

From: [Covington, Tayler](#) on behalf of [Region2 PAD News](#)
Subject: News Clips
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Region 2 News Clips

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Two teams of students from the New Jersey Institute of Technology were awarded \$15,000 each in federal grants to help develop technologies for environmental and public health challenges.

[NJ implements nation's toughest PFAS standard](#) (BURLINGTON COUNTY TIMES; March 19, 2019)

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Construction dust containing silica particles floats in the air at the Bedford Ave. subway station on the L train, MTA tests found last week — but agency officials say the levels are too low to be dangerous.

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Region 2 News

GREENWIRE

[NYC agrees to build cover over reservoir in deal with DOJ](#)

March 19, 2019

New York City will build a cover over the reservoir that supplies its drinking water and pay a fine as part of a consent decree with the federal government, the Department of Justice announced yesterday.

The Hillview Reservoir, in Yonkers, N.Y., north of the city, is a massive, open-air structure that gets almost a billion gallons of water via aqueducts daily and is the last stop before water enters the three city water tunnels.

The issue of putting a cover on the 90-acre holding tank has been a point of dissent for years.

Federal regulations call for open-air reservoirs like Hillview to be covered to protect the water from viruses that can come from animals like birds or their waste.

But the city in previous years tried to get a waiver, or the deadline delayed, to no avail. Those who have spoken out against the need for the cover have said there are already other mechanisms in place to keep the water safe, like ultraviolet treatment.

Yesterday, City Department of Environmental Protection spokesman Ted Timbers reiterated that stance.

"In the 1990s, EPA issued a national one-size-fits-all rule that requires a cover on even an extraordinarily well protected asset like Hillview Reservoir and now New York City residents will spend \$1.6 billion to build a redundant cover," he said in an emailed statement.

The cover project is estimated at \$1.6 billion, and other connected projects raise the total estimate to almost \$3 billion.

Assistant Attorney General Jeffrey Bossert Clark of the Justice Department's Environment and Natural Resources Division said it was a necessary step to protect "against contaminants aerally deposited into the Hillview Reservoir, which millions of New Yorkers depend for their everyday drinking water needs."

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TAP INTO

[Two Student Teams From NJIT Each Earn \\$15K Grant for Environmental Projects](#)

March 19, 2019

Two teams of students from the New Jersey Institute of Technology were awarded \$15,000 each in federal grants to help develop technologies for environmental and public health challenges.

The U.S. Environmental Protection Agency (EPA) announced the grantees for its People, Prosperity and the Planet (P3) grants today. The other team awarded the same grant came from Cornell University, an Ivy League school.

"EPA's P3 grants program supports the next generation of scientists and engineers," said EPA Administrator Andrew Wheeler in a statement. "These students are able to take what they learn in the classroom and apply it to real-world environmental problems that require innovative solutions."

The first team from NJIT is developing a sustainable process based on reactive nanobubbles technology to mitigate harmful algal blooms. The other group of students is creating a device that will remove per- and polyfluoroalkyl substances (PFASs) from drinking water.

Cornell's team is developing a pump that treats drinking water without using electricity.

"These students are applying science and cutting-edge technology to tackle important environmental threats to our lakes and the quality of our drinking water," said EPA Regional Administrator Pete Lopez.

The P3 grant teams will compete by researching, developing and designing projects that address public health issues or sustainability. Teams in the Phase I use the grants to fund the proof of concept for their

projects.

Phase I recipients attend the TechConnect World Innovation Conference and expo in Boston in June to showcase their research. They can then apply for a Phase II grant for funding up to \$100,000 to further their project's design.

Learn more about each of the teams on the EPA's [website](#).

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BURLINGTON COUNTY TIMES

[NJ implements nation's toughest PFAS standard](#)

By Kyle Bagenstose

March 19, 2019

But what it means for potential polluters, including Joint Base McGuire-Dix-Lakehurst, remains to be seen.

New Jersey implemented the nation's strictest groundwater limits for a pair of emerging toxic chemicals last week, when its Department of Environmental Protection published interim standards for perfluorooctane sulfonate (PFOS) and perfluorooctanoic acid (PFOA).

The chemicals, which are the most well-known family members in a class of chemicals collectively referred to as per- and polyfluoroalkyl substances (PFAS), were used for decades in products ranging from Teflon pans to stain-resistant clothing to firefighting foams. More recently, they've been linked to a variety of health effects including ulcerative colitis, high cholesterol, reproductive and developmental issues, and some cancers.

But the chemicals remain largely unregulated at the federal level, prompting an increasing number of states to create their own PFAS standards. New Jersey has been a leading state, last year creating a 14 parts per trillion (ppt) drinking water standard for chemical cousin PFNA, and declaring earlier this year it anticipates creating a similar 14-ppt standard for PFOA and a 13-ppt standard for PFOS.

It's the latter two efforts that led to the creation last week of interim groundwater standards. Under New Jersey law, a drinking water standard automatically becomes a groundwater standard once published. But through a quirk of the statutes, the state also adopts interim groundwater standards prior to the drinking water levels being finalized, and rounds them to the nearest significant number.

That means the interim groundwater standards created are rounded down to just 10 ppt for both PFOA and PFOS. The chemicals are regulated separately, meaning groundwater could have 9 ppt of each chemical and still comply with the law.

The implementation of the revised standards was applauded by the environmental nonprofit Delaware Riverkeeper Network, which has advocated for the regulation and clean up of PFAS contamination hotspots in New Jersey for more than a decade. Tracy Carluccio, the group's deputy director, added they had argued for even lower standards of about 5 ppt.

"While the criteria adopted is not as protective as DRN proposed, these are now the strictest in the nation and reflect leadership action taken by NJDEP that is of great importance in the effort to remove these chemicals from our environment and drinking water sources," Carluccio said.

Carluccio added that she believes the new criteria will "require" groundwater cleanup where the standards are exceeded. New Jersey DEP spokesman Larry Hajna also confirmed the new criteria are "enforceable remediation standards."

That will likely be significant at areas of contamination such as the Joint Base McGuire-Dix-Lakehurst, which is investigating widespread PFAS contamination from the use of firefighting foams. The Joint Base began investigating the presence of PFAS in 2015, and has since identified environmental hot spots in 21 locations, according to base records.

Over the past several years the military also has sampled hundreds of private and public drinking water wells on and around the base, last publicly announcing that PFOS and PFOA were found in three private wells above a 70 ppt health advisory limit issued by the Environmental Protection Agency. The chemicals were also found above that level in two on-base water supply wells plugged into a system serving about 3,000 people on the Lakehurst portion of the base. Those wells were the subject of some controversy, with military officials claiming they were backup wells but an investigation by this news organization finding they actually supplied about 57 million gallons of potable water over the prior decade.

According to Hajna, the NJDEP expects the new 10 ppt groundwater standards to apply to private drinking water wells, including around the Joint Base.

"This criteria also applies to private wells as well as groundwater. Joint Base will be requested to evaluate and provide treatment to any private wells above (the standard)," Hajna wrote in an email. "If they do not DEP will provide treatment."

Hajna added the Joint Base is also expected to identify areas where groundwater exceeds the 10 ppt interim standards, as it continues its environmental investigation at the base.

Whether the Joint Base will comply remains to be seen. Questions sent to the Air Force's public affairs team on March 14 were unanswered as of early Tuesday afternoon. They included whether the base would comply with the NJDEP's requirements, how many of the previously sampled wells eclipsed 10 ppt, and whether the new standards will have any other impacts.

In Michigan, the state's Department of Environmental Quality previously created a 12-ppt standard for PFOS at points where groundwater enters into surface water. The state last year issued a violation to the former Wurthsmith Air Force Base for violating the standard, but the Air Force replied that it did not intend to comply.

The matter also has implications for public water suppliers. At the January meeting where the NJDEP signaled it would set PFOS and PFOA drinking water standards, a representative of the Atlantic City Municipal Utilities Authority noted the chemicals were detected in the city's drinking water at 26 ppt for PFOS and 13 ppt for PFOA. The system's water wells are located on a nearby federal property primarily administered by the Federal Aviation Administration. Atlantic City estimates it will cost \$22 million to install filtration, and its representative expressed concern the federal government would not reimburse the city.

"How do I pass that onto my ratepayers, for something that has for the longest time, been a debate between the federal government and the state government?" water plant manager Anthony Palombi said. "We cannot get funded."

An NJDEP official at the meeting said that the agency believes the federal government will have to comply with permanent standards, and had reached out to the regional EPA office for back up that the interim standards would also need to be met.

Hajna said last week that the NJDEP has yet to hear back from the EPA on the request.

Bruce Ward, executive director of the Atlantic City authority, declined to answer questions Tuesday. However, he forwarded a press release that stated he "asserts these costs cannot be borne by the city's ratepayers and that responsible parties must be held accountable."

He also forwarded an article from The Press of Atlantic City that stated the city would pursue a lawsuit against chemical manufacturers DuPont and 3M, review an agreement with the FAA to assess potential liability, and consider the relocation of its wells. The article added the NJDEP was also assisting "to identify funding and additional options."

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TRENTONIAN

[Trenton Water Works conducts biannual water main flushing program](#)

March 19, 2019



On Monday, March 25, Trenton Water Works will begin flushing water mains in its five-municipality water-

distribution system, starting in Ewing Township and ending in Trenton on April 24. To minimize inconvenience to customers and residents, the flushing will be conducted in the evening, from 8 p.m. to 12 a.m.

Trenton Water Works biannually conducts unidirectional flushing, a proactive maintenance procedure to preserve high water quality—removing sediment, eliminating stagnant water, and improving the flow of water throughout the TWW system.

Customers may experience some temporary water discoloration immediately after the flushing procedure. This can be remedied by opening the tap to allow the water to flow until it is clear, a process that takes up to five minutes.

“We are deeply committed to improving and maintaining the water quality within our service area,” noted Dr. Shing-Fu Hsueh, Director of the Department of Water and Sewer, which operates the 200-year-old Trenton Water Works. “We want to be as transparent as possible with all our procedures, no matter how routine, so that residents understand what is happening with their water supply.”

Water Main Flushing Schedule

- Ewing Township - March 25, 26, 27, 28
- Lawrence Township - April 1, 2, 3, 4
- Hamilton Township (Phase 1) - April 8, 9, 10
- Hamilton Township (Phase 2) - April 11, 12, 13
- Hopewell Township - April 15, 16, 17
- Trenton - April 18, 19, 22, 23, 24

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PRESS OF ATLANTIC CITY

[**Thousands of dead fish wash up in Monmouth shore town**](#)

By Associated Press

March 19, 2019



State environmental officials said thousands of dead fish have washed up in a New Jersey shore community.

The adult menhaden were found Saturday in creeks and bays in Oceanport that are part of the Shrewsbury River estuary in Monmouth County.

Officials said the deaths occurred after a large school of menhaden were pursued by predatory fish and depleted the oxygen from the shallow water.

Officials took water samples and confirmed low dissolved oxygen in the creeks. Local crews were working to remove as many of the fish as possible, while the rest will decompose and eventually sink.

Menhaden are small schooling fish that play a vital role in the ocean food web. They are also harvested commercially for fish oil and use as aquaculture feed.

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MID-HUDSON NEWS

[Catskill Watershed Corp. approves new \\$86 million contract with DEP](#)

March 19, 2019

The Catskill Watershed Corporation Board approved an \$86 million contract with New York City on Monday to pay for repairs and replacements to failing septic systems.

The program is a continuation of a residential one that began in 1997. In 2007, it was expanded to cover business septic systems and now will include non-profits and local governments.

Catskill Watershed Corporation Legal Counsel Timothy Cox said the agency runs several environmental, economic development and educational programs in the New York City West-of-Hudson Watershed.

“All of our programs benefit the local, be they the property owners, the business owners, the residents, the second-homeowners, and it also benefits the City of New York by assisting in maintaining, if not improving, the water quality here in the watershed,” Cox said.

This latest grant from the Department of Environmental Protection is for 10 years.

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MID-HUDSON NEWS

[Environmental cleanup continues after tanker spills over 9,000 gallons of fuel](#)

March 19, 2019



Removal of contaminated soil could take some time

TOWN OF CRAWFORD – Ten days after a tanker truck overturned on Route 17K in the Town of Crawford, environmental remediation crews remain on the scene containing the 9,300 gallons of gasoline and diesel that spilled onto the roadway and surrounding area.

State Department of Environmental Conservation is investigating potential enforcement.

DEC staff remains onsite daily to oversee the work of the responsible party – Terpening Trucking of Syracuse. The company’s two environmental remediation contractors have installed measures to contain and remove the fuel and have begun to excavate contaminated soil.

The DEC will continue to be onsite until the cleanup operations have been concluded.

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NJ SPOTLIGHT

[Communities Get the OK to Assess Fees to Fund Stormwater Utilities](#)

By Tom Johnson

March 19, 2019



A decade-long battle to give local governments a tool to deal with storm runoff — the state’s biggest source of pollution for streams, rivers, and bays — ended yesterday with Gov. Phil Murphy signing a bill without fanfare that will do just that.

The legislation (S-1073/A-2694) permits municipalities and other entities to set up utilities that could impose fees — dubbed a “rain tax” by opponents — on parking lots and other impervious surfaces to fund improvements to failing stormwater management systems.

Aging stormwater systems, typically poorly maintained, have long been recognized as the largest source of contamination of state waters. With heavy rains, the runoff from impervious areas mixes with pesticides, oils, and other pollutants to foul the water or exacerbate flooding.

A \$16 billion problem

By creating stormwater utilities, local governments could use the funds to address a problem that has been projected to cost as much as \$16 billion to fix. New Jersey becomes the 41st state to adopt this approach to widespread flooding and water-quality problems.

“With stormwater runoff becoming an increasingly prevalent problem, frequent flooding is polluting waterways and causing millions of dollars of damage, snarling traffic, threatening drinking water, and even endangering lives,” said Ed Potosnak, executive director of the New Jersey League of Conservation Voters.

But critics argued the bill adds another bureaucratic expense at the local level. Besides business lobbyists, most Republican lawmakers voted against the measure.

“This law adds yet another tax on our already overburdened residents and businesses, though there is no language to define how much people will be charged, how the funds will be collected, or how the funds generated by it will actually address stormwater systems,” said Raymond Cantor, a vice president of the New Jersey Business & Industry Association.

Assessing fees on impervious surfaces

The legislation allows a municipality, or in other cases, a county or regional authority, to assess a fee based on how much impervious surface, such as concrete or pavement, covers a property. The fee would be used to fix or replace stormwater systems, preferably by creating new buffers and green spaces to filter out pollutants and absorb runoff.

Chris Sturm, managing director of policy and water for New Jersey Future, called it a monumental step toward cleaner and healthier communities. “Towns and cities across the state struggle to manage flooding from stormwater and maintain clean waterways, but now they will have another tool to combat these issues,” she said.

For 21 New Jersey cities, the new law provides a means to address a problem long neglected — combined sewer-overflow systems. These systems allow raw sewage to flow into waterways during heavy rainfalls. The communities are under a mandate to finally fix the problem from the state Department of Environmental Protection.

Reluctant to move ahead

A bigger question is how many local governments will decide to set up the new utilities. In the past, previous bills mustered little support among local officials, even in Ocean County around Barnegat Bay, where runoff is

a major reason for degradation of the bay.

"Only time will tell," Sturm conceded, but noted a number of communities are expected to set up utilities to begin addressing problems, such as cities facing mandates to deal with combined sewer-overflow systems. Or places like Lake Hopatcong, where the water is too polluted for swimming, she said.

Potosnak agreed. "They are going to have an option they didn't have before to deal with flooding and impaired waters," he said. Nationwide, more than 1,800 communities are using this tool, he said.

Unlike drinking-water supply and wastewater plants, New Jersey lacks a dedicated funding source for stormwater systems, a failure that results in the infrastructure receiving few upgrades and little maintenance.

"Without regulation, we will continue to see a rise in pollution, flooding, and property damage," said Assemblyman John McKeon (D-Essex), a sponsor of the bill. "This law enables towns and counties to take the next step in stemming the problems caused by stormwater."

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NJ ADVANCE MEDIA

[A deadly chemical common in paint removers has been banned. These are the brands to avoid.](#)

By Michael Sol Warren

March 19, 2019



A chemical frequently used in paint removal has been banned by the federal government due to concerns over health effects.

On Friday, the U.S. Environmental Protection Agency announced a new rule that bans the manufacture, importation, processing and distribution of methylene chloride in consumer paint removers.

"After analyzing the health impacts and listening to affected families, EPA is taking action to stop the use of this chemical in paint removers intended for consumers," said EPA Administrator Andrew Wheeler. "Today's decision reflects EPA's commitment to ensure that chemicals in the retail marketplace are safe for the American public."

According to the EPA, exposure to methylene chloride fumes can cause rapid dizziness, loss of consciousness and death due to nervous system depression. The fumes are most dangerous to people that are working with the chemical in enclosed spaces with poor ventilation.

In 2012, researchers at Michigan State University announced that an investigation found at least 13 deaths linked to the chemical between 2000 and 2011.

Environmental Defense Fund, a nonprofit environmental group that has actively pushed for methylene chloride to be banned, called the EPA's action a "long-overdue protection of consumers." Still, the group said that the ban fell short because it does not ban the use of the chemical for commercial purposes.

“While it is an important step to bar consumer use of methylene chloride-based paint strippers, EDF is alarmed that EPA has abandoned its earlier proposal to protect those most at risk – the many workers, including owners and employees of small businesses, who are exposed to these deadly products on the job,” said Lindsay McCormick, the EDF’s chemicals and health project manager.

Rep. Frank Pallone (D-NJ6,) echoed the environmentalist’s concerns in a statement on Friday.

“The EPA is charged with ensuring the safety of all toxic chemicals, not only those available at retail stores,” Rep. Pallone said. “Workers and others who are exposed through the commercial marketplace deserve equal commitment and protection, and this rule fails them.”

An EPA spokesman said that the agency is considering a training, certification and limited access program for commercial users of methylene chloride.

The new ban goes into effect on September 11, which is 180 days after the rule was issued, but the EPA expects that many suppliers will phase out the chemical much sooner. According to USA Today, at least 13 major companies have already committed to stop selling products with methylene chloride including Amazon, Walmart and Home Depot.

According to the U.S. Department of Health and Human Services’ Household Products Database, consumer products containing methylene chloride include Kwik Liquid No-Wash Paint and Varnish Remover and Klean-Strip Premium Stripper.

The EPA estimates that up to 260 million pounds of methylene chloride is used in the U.S. annually. About 10 percent of that is used in paint removers. The chemical is also used for a wide variety of industrial purposes.

People that currently own paint removers containing the chemical and want to know how to properly dispose it should reach out to their local solid waste agency, according to the EPA.

The EPA’s move to ban methylene chloride was taken under the Frank R. Lautenberg Chemical Safety for the 21st Century Act, which was named in honor of the late New Jersey senator.

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NEW YORK DAILY NEWS

[MTA finds low levels of silica dust along L train, assures riders air is safe to breathe](#)

By Clayton Guse

March 18, 2019



Construction dust containing silica particles floats in the air at the Bedford Ave. subway station on the L train, MTA tests found last week — but agency officials say the levels are too low to be dangerous.

Last week the agency brought in a contractor to analyze the air quality at Bedford Ave. after riders complained of dust kicked up by weekend construction, according to documents obtained by the Daily News.

The examination showed there to be 9.4 micrograms of silica per cubic meter of air — three times as much as what people breathe outside.

That's a lot less than federal rules which say workers should not be exposed to air containing 50 micrograms of silica per cubic meter. Exposure to more than that over an eight-hour day over a number of years might be dangerous, the government says.

"There is absolutely no reason to suggest any health issues or concern," the MTA said in a statement.

The dust, which can damage the lungs when inhaled at high concentrations, is kicked up when crews perform such work as drilling holes into walls.

The MTA is finishing up a major project at Bedford Ave. that includes a new mezzanine, new staircases and an elevator. The work is to be finished before the long-planned overhaul of the Canarsie Tunnel, which carries the L train between Manhattan and Brooklyn and was damaged in 2012 during Hurricane Sandy.

Andrew Albert, the riders' advocate on the MTA board, said the low level of silica generated by the Bedford Ave. work is an indicator that the MTA will have to be careful about the dust kicked up by the Canarsie Tunnel repairs.

The work now being done at the station is "instructive," Albert said. He added: "Apparently even just in station work we have this level of dust."

Though the MTA denies any danger, MTA workers and cops have been wearing masks at the Bedford Ave. stop. The dust was concerning enough that Transport Workers Union Local 100 officers temporarily pulled five workers from the station platform Monday morning until they could get them masks.

Silica dust in L stations and tunnels has been a major talking point for advocates and riders ever since early January, when Gov. Cuomo canceled the planned 15-month shutdown of the line that was meant to allow a major overhaul of the tunnels.

Instead, Cuomo favors a less-disruptive strategy for the repairs that will only shut the line on nights and weekends.



Commuters leave the Bedford Avenue L train station Monday afternoon in Brooklyn. (Jesse Ward for New York Daily News)

Albert wants the MTA to bring in an independent monitor to assess the air quality in stations across the L line during construction, and concedes that they'll be able to more thoroughly clear up the dust when the tunnel rehab officially kicks off late in April.

The MTA has three different groups of people monitoring the air during the construction, says Robert Conway, the agency's environmental officer. He noted the levels of dust typically spike Monday mornings between 5:30 a.m. and 7 a.m., right after train service resumes following weekend construction.

George Thurston, a professor at NYU School of Medicine who has studied air quality issues on the subway, said he was concerned about the silica dust in the tunnels because it is "fresh."

"The freshly-generated quartz [silica] particles from grinding operations have sharp edges that can cause lung scarring at high levels," said Thurston.

He believes standards for the general public should be more stringent than for workers. "Workers are being paid, but the public is not. Also, healthy workers tend to not be an especially susceptible population."

Conway dismissed Thurston's claims, noting that the EPA does not have any short-term standards for silica dust because it is not a major issue.

But occupational safety experts say the MTA needs to take more care about what riders are breathing.

"It only takes a very small amount of respirable silica dust to create a health hazard," said Charlene Obernauer, executive director of the New York Committee for Occupational Safety and Health. "New York City must also do their part to ensure that L train commuters are not being exposed to this hazard every day when they take the subway."

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ATLAS OBSCURA

[The Swap-a-Fish Program That Traded Tilapia for Seafood Contaminated by Agent Orange](#)

March 15, 2019

As it glints in the afternoon sunlight, Newark, New Jersey's Passaic River looks peaceful. But a plaque along the boardwalk has a warning for visitors. "The river remains full of life," it reads. "Try to spot these creatures, but until the pollution is removed from the river, be careful NEVER to catch or eat any of them."

There's been an advisory against eating lower Passaic fish since 1983, when the EPA found they were contaminated with dioxin—chemical waste from local factories, including one that produced Agent Orange, an herbicide the U.S. military used to devastating effect in the Vietnam War. Despite health risks ranging from cancer to developmental issues, people still catch and eat fish from the lower Passaic River.

Researchers don't know precisely how many people consume fish from the lower Passaic. Elias Rodriguez, an Environmental Protection Agency Public Information Officer, says the EPA hasn't seen evidence of widespread fishing. According to preliminary results of an ongoing study conducted by the NYU School of Public Health's Zelikoff Lab, those who do fish the Passaic—including several homeless people who use it as a regular food source—are often food insecure and looking to supplement their diet. Research has shown that low-income anglers are more likely to consume their catches, and Latino anglers are less likely to be informed of the health risk.

Amy Rowe, County Agent at the Rutgers Cooperative Extension of Essex County, says that the vulnerability of populations who fish in the Passaic makes the problem particularly difficult to tackle. But in 2015, Rowe and her team implemented a novel solution: a fish swap.



Muddy flats and shipping containers on the banks of the Passaic River in Newark, New Jersey. REINA GATTUSO FOR ATLAS OBSCURA

At the time, Rowe was co-director of the Rutgers VETS program, which trained unemployed New Jersey veterans in aquaculture and hydroponics, including fish farming. The fish grown through the program, and the communities' need for affordable protein, seemed like a perfect match. So on Saturdays throughout the summer, Passaic anglers were encouraged to bring their catch to a parking lot by the Nutley boat launch in Lyndhurst, New Jersey. There, they could exchange fish, pound for pound, for tilapia raised by the VETS

program's trainees. Benefitting both veterans and food-insecure locals, the swap seemed like a no-brainer.

"It makes so much sense," says Rodney Spencer, a VETS program graduate and Newark native who staffed the fish exchange.

But there was a catch. The fish swap was proposed and funded by the Cooperating Parties Group, a coalition of the same companies—including Pfizer, Rubbermaid, and Tiffany and Co.—that had polluted the Passaic River. At the same time the CPG was funding the fish exchange, they were locked in a legal battle with the EPA over the river's cleanup. While the EPA demanded that the polluters fund a full dredging of the silty bottom of the lower eight miles of the Passaic, the CPG wanted to implement a less-expensive "hotspot" option.

The CPG claimed the fish exchange was a way to reduce harm while the lengthy cleanup got underway. "We are trying to reduce risks to the most vulnerable in our community," Jonathan Jaffe, the CPG's spokesperson, told *NPR* in 2016. Jaffe didn't respond to multiple interview requests for this article.

Community advocates—and the EPA—disagreed. "The fish swap program was a complete deflection from the issue at hand," says Ana Baptisa, an environmental science professor and trustee of the Ironbound Community Corporation, who co-chairs the EPA's Lower Passaic River Community Advisory Group. When polluters first proposed the program in 2013, environmental groups labelled it "ridiculous," and the EPA said the companies were "panicked and scrambling" to avoid paying for a full cleanup.



Federal workers wear hazmat suits to clean dioxin in 1983. IRONBOUND COMMUNITY CORPORATION/USED WITH PERMISSION

But for Rowe, the fish exchange was an opportunity to support the VETS program while mitigating community health risk. "We did try to work with the community," says Rowe, who advertised the exchange extensively and gave presentations to community groups. Yet the staff continued to face heavy criticism for working with the polluters. "We were accused of taking their dirty money," she says.

There were other roadblocks. In 2015, the greenhouse-raised fish weren't mature enough to swap, so the Rutgers team had to exchange fishermen's catches for frozen Costco tilapia.

There was a more fundamental problem: The fish exchange didn't actually swap many fish. Staff scoured the Passaic's banks for anglers. "We tried all hours of the day, all days of the week, all fishing seasons, we tried weekdays, we tried lunchtimes, we tried weekends," Rowe says. But in the entire 2015 season, the program exchanged only 157 fish from three fishermen.

Rowe doesn't know whether this is because there were few people fishing, or because those who did fish felt uncomfortable accessing the program. Anglers seemed reluctant to even talk to staff, let alone avail of the swap. Considering they were mostly immigrants, potentially undocumented, in a climate of increasing vulnerability, Rowe says their hesitation to approach clipboard-wielding researchers made sense. Spencer says shame may have also played a part. "People were embarrassed to have people know they were getting their only protein substance from a polluted river," he says.



A bag of fish from the Passaic River swapped to the program. AMY ROWE/USED WITH PERMISSION

Rowe does fondly recall the enthusiasm of one father-son pair—the son translating for the Spanish-speaking father—who swapped over 80 eels in the 2015 season. Yet Spencer wonders whether they were actually bringing fish caught by others, who were too anxious or ashamed to come themselves. "You don't want to pry too much," he says. "You didn't want to scare them off."

When the fish swap ran again in summer 2016, not a single angler showed up. With funding drying up, both the fish exchange and VETS program ended shortly afterward.

Spencer says that afterwards, he and other veterans were left wondering whether the program had been a PR stunt for the polluters. "It started to seem like we were kind of bamboozled," Spencer says.

To understand why a seemingly well-meaning fish swap could prompt such strong distrust, you have to look to the history of Newark—and the reason why, more than three decades since the EPA discovered dioxin in the Passaic, the dream of edible local fish remains distant.

Walk north from Newark's Riverfront Park—past fragrant Portuguese bakeries and through the rubble under the railroad bridge—and the Passaic is less scenic. Near a train station, an acid-orange sign warns visitors not to boat, swim, or fish in the water due to sewage overflows. North of the railway station, toppled benches ring a sign declaring "Newark's Riverfront"; the text is too weather-worn to read. On the bank below, residents have erected tarp shanties among half-buried wire shopping carts. They have a front-row view of condos springing up among old factories on the opposite bank.



A bridge over the Passaic River in Newark. REINA GATTUSO FOR ATLAS OBSCURA

Today, Newark bears the scars of half a century of disinvestment. But in the 19th century, New Jersey's cities were booming. Powered by the Passaic and just a stone's throw from New York City's rich ports and waves of immigrant labor, Newark's factories helped drive America's Industrial Revolution. But by the mid-20th century, industry slowed. During the white flight of the 1950s and 60s, prosperous families left Newark, taking capital with them. Today, the city is majority black and Latino—50% and 36%, as of 2018—and disproportionately poor: 28.3% of Newark residents live in poverty.

Companies took jobs away, but left pollution behind. Between 1951 and 1969, the Diamond Alkali factory in Newark produced Agent Orange. Factory workers were found to have elevated levels of the chemical, which can increase risk of immune disease and cancer. In 1983, dioxin was discovered in the surrounding community, and a year later the old Diamond Alkali factory became a Superfund site. Local residents staged protests upon the discovery of the contamination, and community groups have been pushing the EPA and corporations for a full-fledged cleanup ever since.



Residents of Newark's Ironbound neighborhood protest after the discovery of dioxin in 1983. IRONBOUND COMMUNITY CORPORATION/USED WITH PERMISSION

For Baptista, this persistent pollution is part of the broader injustice inflicted on the region's low-income communities of color. "This really is environmental racism," she says.

In this context, it's easy to understand why locals would be cynical of the Cooperating Parties Group, and even of the Rutgers program. Spencer says when he entered the VETs program in 2014, he was unemployed, with three children and an ill parent to support. "I didn't know which way I was going," he says. He took to horticulture quickly; it gave him income and purpose. "It had me thinking like a plant. Like the growth of a plant," he says.

But five years later, he's still working to piece together enough agricultural consulting work to support his family. He wishes Rutgers and the city had invested more in helping veterans find sustainable employment and in growing Newark's fledgling horticulture industry. While he's determined to succeed, a lifetime of witnessing failed development efforts sometimes leaves him feeling cynical. Some of these failures have garnered national attention, like Mark Zuckerberg's \$100 million donation to Newark Public Schools—an effort widely criticized as having ignored parents and teachers while failing to make an impact.

Meanwhile, pollution continues to plague Newark. On a recent Tuesday in March, across from the New Jersey Performing Arts Center where Mayor Ras Baraka is about to give his annual State of the City address, a dozen or so protestors chant "Clean water for Newark!" Levels of lead in Newark's drinking water are worse than those in Flint, Michigan, the protestors, from the Newark Water Coalition, say: as high as 47.5 parts per billion. Just as with dioxin decades ago, organizer Anthony Diaz says, "Everybody wants to cover it up."



Activist Anthony

Diaz protests against high lead levels in Newark's water. REINA GATTUSO FOR ATLAS OBSCURA

In March 2016, the EPA issued a Record of Decision detailing a \$1.38 billion cleanup plan for the lower eight miles of the Passaic River, listing more than 100 companies that would be responsible for funding it. The plan, which is currently in the design phase, includes dredging 3.5 million cubic yards of contaminated sediment and capping the riverbed. The EPA estimates it will take about a decade. It will take even longer for the fish to be safe to eat.

Despite it all, Baptista remains optimistic. "In the next generation, can we get this river back to a state where we can actually fish?" she asks. "Don't give up on it."

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National News

E&E News

Former EPA spokeswoman now at Interior

https://www.eenews.net/eenewspm/stories/1060127559/most_read

Kellie Lunney

Posted: March 18, 2019

The Interior Department is ramping up its press shop with the addition of Molly Block, most recently press secretary at EPA.

Block started today as Interior press secretary, joining Faith Vander Voort, who is press secretary and senior adviser to the director of communications, John Bockmier ([Greenwire](#), March 13).

Block, who served in the EPA press shop since late 2017, is a former Capitol Hill aide. The Chicago native and University of Michigan alumna is going back to her natural resources roots at Interior. She was press secretary for the House Natural Resources Committee during the 115th Congress for then-Chairman Rob Bishop (R-Utah).

Vander Voort also hails from Capitol Hill, having worked as press secretary and digital director for Rep. Paul Gosar (R-Ariz.).

It's a busy time for Interior as the department gears up for a new secretary and gets ready to defend its

budget before Congress. In addition, observers anticipate the release of the next iteration of the administration's five-year offshore drilling plan.

Meanwhile, acting Secretary David Bernhardt is preparing for a March 28 confirmation hearing before the Senate Energy and Natural Resources Committee.

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Shareblue Media

A list of gifts received by disgraced former EPA chief Scott Pruitt while in office includes six copies of 'The Lorax' and three copies of 'Global Warming for Dummies.'

<https://shareblue.com/people-trolled-scott-pruitt-epa-sending-copies-the-lorax/>

Emily Singer

Posted: March 18, 2019

This is some A+ trolling.

A government watchdog organization released a [list of gifts](#) that former Environmental Protection Agency administrator [Scott Pruitt](#) received while in office — many of which appear to have been gag gifts making fun of Pruitt's [climate denialism](#).

The gifts include six copies of Dr. Seuss' "The Lorax" — a children's book about how corporate greed can kill the environment.

Other gag gifts include three copies of "Global Warming for Dummies," a "Back Off, We're Scientists" mug, a shirt that says "Science is True Whether You Believe It or Not," a copy of "Climate Change: A Brief History," a book titled "Why Evolution is True," and one copy of the U.S. Constitution.

Pruitt, for his part, [resigned in disgrace](#) from the Trump administration in July 2018 amid a cloud of ethical scandals, which involved everything from his [living arrangement](#) in Washington, D.C., to his taxpayer-funded [use of first-class airfare](#).

With all the reports of Pruitt's ethical lapses, Citizens for Responsibility and Ethics in Washington demanded the government provide a list of gifts Pruitt received while in office. When the Trump administration refused, CREW sued, leading to the list of gifts the Trump administration released on Monday.

While a number of the gifts Pruitt received were clear trolls from environmentalists who took issues with Pruitt's attacks on science, he did receive some well-intentioned gifts from trade associations and even some members of Congress.

Former Rep. Lamar Smith (R-TX) — one of the biggest science deniers in Congress, who ironically chaired the House Committee on Science, Space and Technology — gave Pruitt an \$85 Vineyard Vines necktie. (The gift list doesn't specify what pattern the tie had — but Vineyard Vines' signature sea creatures are among the marine life likely to be injured by Pruitt's pro-pollution policies.)

Pruitt also received a "walnut plaque laser engraved with the Administrator's face and Scott Pruitt," which was gifted to him after he spoke before the [Delta Council](#), and a "Make Dairy Great Again" hat from a company called BTR Energy.

It's unclear whether Pruitt read any of the gag books gifted to him — but given his long record of [denying the basic science](#) of climate change, he could probably learn something from them.

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The Washington Post

The real reason the Trump administration is constantly losing in court

https://www.washingtonpost.com/world/national-security/the-real-reason-president-trump-is-constantly-losing-in-court/2019/03/19/f5ffb056-33a8-11e9-af5b-b51b7ff322e9_story.html?hpid=hp_hp-top-table-main-trump%3Areal-reason%3Ahomepage%2Fstory&hpid=hp_hp-top-table-main-trump%3Areal-reason%3Ahomepage%2Fstory

[utm_term=.447ca4bb533b](#)

Fred Barbash and Deanna Paul

Tuesday, March 19, 2019

Federal judges have ruled against the Trump administration at least 63 times over the past two years, an extraordinary record of legal defeat that has stymied large parts of the president's agenda on the environment, immigration and other matters.

In case after case, judges have rebuked Trump officials for failing to follow the most basic rules of governance, including providing legitimate explanations for shifts in policy, supported by facts and, where required, public input.

Many of the cases are in early stages and subject to reversal. For example, the U.S. Supreme Court permitted a version of President Trump's ban on travelers from certain predominantly Muslim nations to take effect after lower-court judges blocked the travel ban as discriminatory.

But whether or not the administration ultimately prevails, the rulings so far paint a remarkable portrait of a government rushing to implement sweeping changes in policy without regard for longstanding rules against arbitrary and capricious behavior.

"What they have consistently been doing is short-circuiting the process," said Georgetown Law School's William Buzbee, an expert on administrative law who has studied Trump's record. In the regulatory cases, Buzbee said, "They don't even come close" to explaining their actions, "making it very easy for the courts to reject them because they're not doing their homework."

Two-thirds of the cases accuse the Trump administration of violating the Administrative Procedure Act (APA), a 73-year-old law that forms the primary bulwark against arbitrary rule. The normal "win rate" for the government in such cases is about 70 percent, according to analysts and studies. But as of mid-January, a database maintained by the Institute for Policy Integrity at the New York University School of Law shows Trump's win rate at about 6 percent.

Seth Jaffe, a Boston-based environmental lawyer who represents corporations and had been looking forward to deregulation under Trump, said he has been frustrated by the administration's failure to deliver.

"I've spent 30 years in the private sector complaining about the excesses of environmental regulation," Jaffe said, but "this administration has given regulatory reform a bad name."

Some errors are so basic that Jaffe said he has to wonder whether agency officials are more interested in announcing policy shifts than in actually implementing them. "It's not just that they're losing. But they're being so nuts about it," he said, adding that the losses in court have "set regulatory reform back for a period of time."

Contributing to the losing record has been Trump himself. His reported comments about "shithole countries," for example, helped convince U.S. District Judge Edward Chen in San Francisco that the administration's decision to end "temporary protected status" for hundreds of thousands of immigrants from Central America, Haiti and Sudan was motivated by racial and ethnic bias.

At least a dozen decisions have involved Trump's tweets or comments.

The Justice Department, which defends federal agencies in court, declined to comment. The White House also declined to comment.

Matthew Collette, who served as the deputy director of the Justice Department's Civil Division appellate staff until his departure in October, said that in his 30 years at the department, he had not seen so many losses for a presidential administration in such a short time. "I don't think there's any doubt about that," he said.

Trump has blamed his losses on "Obama judges" in the West Coast states that make up the 9th Circuit. While 29 setbacks have come from 9th Circuit judges, the trend is national, with 34 originating elsewhere, particularly in the District of Columbia Circuit, according to a count by The Washington Post.

Democratic appointees, many of them tapped by Presidents Barack Obama and Bill Clinton, are responsible for 45 decisions. Republican appointees dating back to President Ronald Reagan issued the other rulings. Magistrate judges, who are not appointed by presidents, made three of the decisions.

On major issues on which multiple judges have ruled, there has been little disagreement among them, no matter where the judges are located or who appointed them.

Four judges, for instance, have rejected the decision to rescind the Deferred Action for Childhood Arrivals program, which has protected from deportation nearly 700,000 people brought to the United States as children. All four judges said essentially the same thing: that the government's stated reason for ending DACA — that it was unlawful — was "virtually unexplained," as U.S. District Judge John D. Bates, an appointee of President George W. Bush in Washington, D.C., said in an April opinion. A second explanation — that DACA creates a "litigation risk" — was derided by U.S. District Judge William Alsup in California as mere "spin."

Three judges have invalidated the attempt to add a question about citizenship to the 2020 Census, the latest being U.S. District Judge Richard Seeborg in San Francisco on March 6. All rejected as unbelievable Commerce Secretary Wilbur Ross's explanation that the move was intended to improve enforcement of the Voting Rights Act.

The matter is now pending before the Supreme Court. The Commerce Department declined to comment.

In the cases challenging termination of temporary protected status, the Department of Homeland Security claimed it was not actually changing policy and was therefore immune from review under the APA. But internal documents contradicted that claim, and Chen, an Obama appointee, blocked the shift in an Oct. 3 decision.

Michael Bars, a spokesman for U.S. Citizenship and Immigration Services, which handles determinations for temporary protected status, declined to comment on ongoing litigation. He added that the agency is committed to "faithfully executing the law."

Every administration loses cases because of APA violations. Obama's most notable defeat came in 2015, when a Texas judge blocked his plan to protect from deportation illegal immigrants whose children are Americans or lawful permanent residents.

Still, administrations of both parties have historically won most of these cases, in part because judges tend to defer to the federal government, legal experts said — making Trump's record of failure virtually unprecedented.

The Trump administration's style of policymaking has led to some awkward moments in court. Take the many cases challenging the Department of Health and Human Services over its decision to end some \$200 million in grants to 81 teen-pregnancy-prevention programs.

The decision was taken — abruptly and without explanation — soon after the June 2017 appointment of Valerie Huber to serve as senior adviser to then-HHS Secretary Tom Price. Huber, a leader of the abstinence-only sex education movement — which she prefers to call “sexual risk avoidance” — had lobbied to eliminate funding for the programs, which, in her view, “normalized teen sex.”

The decision threatened to devastate the budgets of scores of teen-pregnancy programs across the nation, many of which quickly filed suit. In its defense, HHS argued that ending the grants did not represent a policy change and therefore required no explanation under the APA.

During a hearing in Washington last April, U.S. District Judge Ketanji Brown Jackson expressed incredulity about the manner in which the agency had acted. Can an agency “suddenly say ‘too bad, so sad,’” Jackson asked a lawyer for the government, and cut off money without cause? When the lawyer answered yes, the judge called the situation “weird” and ordered the grants restored.

In her ruling the following month, Jackson said “HHS’s unmistakable and inexplicable silence” in cutting the money made her decision “quite easy.”

“This much is clear: A federal agency that changes course abruptly without a well-reasoned explanation for its decision or that acts contrary to its own regulations is subject to having a federal court vacate its action as ‘arbitrary [and] capricious,’” she said in her ruling, quoting the APA’s most recognizable incantation.

Judges in Maryland, New York, Oregon and Washington state arrived at similar conclusions in related cases.

In an email, HHS spokeswoman Caitlin Oakley chalked the losses up to “ambiguity” in the grant rules.

Failure to follow the APA has dramatically slowed the administration’s agenda on other fronts, particularly the push to roll back environmental regulations.

Last February, for example, the EPA and the Army Corps of Engineers suspended an important clean-water rule without soliciting public comment or formally considering the implications, both requirements of the APA. When conservationists sued, the government argued that it was only delaying the rule, not eliminating it.

U.S. District Judge David Norton of South Carolina, an appointee of President George H.W. Bush, gave the Trump administration a tongue-lashing, calling its approach “evasive,” in addition to being “arbitrary and capricious.”

“Certainly, different administrations may implement different regulatory priorities,” Norton wrote in August. But the law “‘requires that the pivot from one administration’s priorities to those of the next be accomplished with at least some fidelity to law and legal process.’ ... The court cannot countenance such a state of affairs,” he wrote.

“If your goal is to change policy, the little extra time” to explain “is worth it,” said Jonathan Adler, a Case Western Reserve University law professor who regards himself as a regulatory skeptic. “Various administrations don’t always like that lesson,” he said, “this administration more than most.”

[The Trump administration keeps losing environmental court cases]

Some observers attributed the EPA's woes to its former administrator, Scott Pruitt, a skeptic of federal environmental policy who installed inexperienced officials and moved rapidly to roll back Obama-era regulations.

Jeffrey R. Holmstead, a Republican lawyer who headed the EPA's Office of Air and Radiation from 2001 to 2005, said he sensed a potential problem at EPA soon after Trump's election, during the transition before he took office.

"This administration was different than any I've seen in my lifetime," Holmstead said, noting that Trump "didn't have anybody who had any kind of meaningful experience with the EPA."

Compounding the problem was the Trump team's "complete distrust of the career staff" at the EPA, Holmstead said — a professional corps that "always gives you good advice whether or not they agree" with the president's politics.

Pruitt resigned last summer amid a host of allegations of unethical conduct. He has since been replaced as EPA Administrator by Andrew Wheeler, who "has taken steps ... to ensure the agency engages in well-reasoned, transparent and defensible decision-making," said EPA spokesman John Konkus.

Konkus added that "only a handful" of cases against the agency have reached the end of the judicial review process.

[How Wilbur Ross 'aggressively' tried to alter the 2020 census and 'conceal' why, according to a federal judge]

As with the travel ban, the administration is pinning its hopes on the Supreme Court to overturn lower-court rulings and preserve its policy changes. Trump has appointed two of the nine justices, shifting the high court to the right.

"Hopefully, we will get a fair shake" in the Supreme Court, Trump said in February when he declared a state of emergency to build a wall along the nation's southern border.

With a few exceptions, however, the high court has shown no inclination to rush to Trump's aid. Most cases never reach the Supreme Court. And while Trump has filled numerous vacancies in the lower courts, appointees of Democratic presidents still account for more than 55 percent of active federal judges, said John D. Graham, dean of the School of Public and Environmental Affairs at Indiana University.

"If the Trump administration wants to win future cases," Graham said, "they must do a much better job of persuading judges appointed by Democratic presidents."

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Bloomberg Environment

EPA Defends Decision to Ease Air Permit Obligations

<https://news.bloombergenvironment.com/environment-and-energy/epa-defends-decision-to-ease-air-permit-obligations>

Amena H. Saiyid

Posted: 1:48pm, March 19, 2019

- EPA claims states have option to choose its air permitting guidelines
- Disputes claims that it is allowing violations of federal air quality standards

State regulators will be under no obligation to follow federal guidance and loosen air pollution permitting requirements for factories and power plants with new or expanded facilities near national parks and wilderness areas, the EPA told a federal court.

The agency's defense came March 18 in a [legal brief](#) responding to a lawsuit that argues the EPA move last year to ease Clean Air Act new source review permitting requirements for large emitters will pollute air that today is mostly free of smog and haze.

The environmental group claims the added pollution could cause these areas to become so polluted as to violate federal air quality standards for ground-level ozone and fine airborne pollution. Both pollutants are associated with aggravating heart and lung diseases.

Nearly Fourfold Increase

At issue is an [April 2018 memo](#) in which the Environmental Protection Agency announced revisions to metrics known as significant impact levels that under the Clean Air Act set thresholds for how much pollution can be emitted by large sources during construction or expansion.

The April 2018 revisions increased nearly fourfold the threshold for emissions of fine particulate matter that affect national parks and wilderness areas.

The EPA insists these are just recommendations and not a binding final agency action. The EPA also said that the memo leaves it up to the states to implement it.

"The Guidance does not 'exempt' sources or 'authorize violations,'" the EPA wrote in its March 18 response to claims the Sierra Club made in a lawsuit filed last June in the U.S. Court of Appeals for the District of Columbia Circuit.

The Sierra Club has received funding from Bloomberg Philanthropies, the charitable organization founded by Michael Bloomberg. Bloomberg Environment is operated by entities controlled by Michael Bloomberg.

'Punching a Hole' in Clean Air Act

The Clean Air Act prohibits large manufacturers and power plants from expanding or adding new construction unless these facilities can demonstrate that the added emissions won't cause or contribute to pollution in areas that already meet federal air quality standards for ozone and fine airborne particle pollution, or microscopic specks of pollution from industrial and natural sources.

The Sierra Club in November [alleged](#) that EPA is "punching a hole in this statutory bulwark against the degradation of clean air" by not requiring companies to demonstrate that they will not cause or contribute to violations of clean air standards.

The EPA says that permitting agencies in states have the discretion to use its revised metrics to decide how much air pollution facilities can emit when they expand or upgrade their plants.

But the Sierra Club alleged the EPA, through its memo, is authorizing permitting authorities in states to skip the required demonstration, and would allow the construction of new plants or factories without looking at whether they violate federal air standards or worsen air quality.

Not true, the EPA responded. The agency said it isn't asking permitting authorities to skip the required demonstration, but is instead guiding permit writers to decide when pollution levels from these facilities aren't significant enough.

The EPA said states must support each permitting decision with an administrative record and legal justification that includes the use of the recommended pollution thresholds.

The case is [Sierra Club v. EPA](#), D.C. Cir., No. 18-1167, 3/18/19

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Bloomberg Environment

Trump Budget Would Restrain Oversight, Some Agency Watchdogs Say

<https://news.bloombergenvironment.com/environment-and-energy/trump-budget-would-restrain-oversight-some-agency-watchdogs-say>

Michael Smallberg

Posted: 2:46pm, March 19, 2019

Watchdogs at several federal agencies again said President Donald Trump's budget request wouldn't give them enough money to do their jobs.

While many agencies don't get the funding they seek in the president's request, inspector general offices can lodge a formal complaint in their budget documents. Watchdogs at the Homeland Security, Justice, Transportation, and Treasury departments and the Environmental Protection Agency publicly protested their proposed funding as part of the Trump administration's budget rollout this week.

Agency watchdogs play a central role in evaluating federal programs, and the dissenting offices said they can't ferret out waste, fraud, and abuse unless they get more money. Every dollar invested in inspector general offices returned \$22 in potential savings in fiscal 2017, according to an [annual report](#) from the federal council of inspectors general.

Some watchdogs would see their funding cut or frozen because the president's request takes an ax to their broader agency budgets, leaving them with less to oversee. The White House [said](#) its budget would "cut wasteful Washington spending" with a 5 percent cut to nondefense programs and by curtailing programs that are inefficient or ineffective.

Budget Disputes

Inspectors general are independent offices within the executive branch that report to lawmakers and agency heads.

The 2008 Inspector General Reform Act (Public Law 110-409) requires each agency budget to include comments from inspectors general who think the proposed funding level for their office would "substantially inhibit" their work.

As in [years past](#), the fiscal 2020 budget documents contain several opposing comments.

Homeland Security

The DHS inspector general said it asked for \$181.3 million for fiscal 2020, but would get \$170.2 million under the department's budget. That would be about \$2 million more than what it's estimated to receive in fiscal 2019.

"At the proposed level of funding, the OIG is unable to fully meet its statutory mandate to audit, inspect, and investigate this broad range of DHS programs, which has already been negatively impacted by budget reductions over the past two years," the office [wrote](#) in its budget justification.

Additional funding could be used to hire more investigators, conduct more audits of Customs and Border Protection and other agencies, and modernize IT systems, according to the watchdog's comment.

DHS overall would get a 7.4 percent boost from its estimated fiscal 2019 funding level, one of the biggest increases of any cabinet department.

Environmental Protection Agency

The EPA inspector general would get \$48.5 million under the agency's budget, instead of the \$58 million the

office wanted, according to a letter from acting Inspector General Charles Sheehan attached to the EPA's [budget justification](#). That would be \$1.8 million less than the office's estimated fiscal 2019 funding.

"The impact of a \$48.5 million budget would create great risk for the agency and reduce taxpayers' return on investment," Sheehan wrote.

He said his office has been forced to defer or reject requests from Congress because of insufficient resources.

EPA overall would get a 31.2 percent budget cut under the president's request. The agency said the proposed cuts to the inspector general office would require the watchdog to focus on its highest priorities.

Treasury and TARP

At the Treasury Department, Congress installed a special inspector general to keep tabs on the Troubled Asset Relief Program (TARP), a package of initiatives designed to help banks and homeowners following the 2008 financial crisis.

The Trump administration [said](#) the watchdog's funding should be cut to \$17.5 million, \$5 million less than its estimated fiscal 2019 funding, as TARP winds down. The special inspector general said the office needs \$23 million to monitor the remaining TARP funds.

"Every TARP dollar spent is another dollar potentially subject to fraud, waste and abuse, increasing the need for and the number of investigations and waste-finding audits," the office wrote in its [budget justification](#).

Treasury's main inspector general [said](#) it wanted \$2 million more than the agency's \$37 million request.

Other Agencies

Inspectors general at the Justice and Transportation departments and U.S. Agency for International Development also disagreed with the amounts proposed for their budgets.

The \$5 million increase sought by the Justice Department watchdog would allow it to "handle the substantial increase in FBI and other whistleblower retaliation matters that we are investigating, and permit us to sustain our efforts to curb waste, fraud, and abuse in DOJ programs," the office wrote in its [budget justification](#).

At the Corporation for National and Community Service, Inspector General Deborah Jeffrey faced a different problem: the White House proposed eliminating the agency altogether.

If the agency is kept alive, her office would like \$7 million for its operating budget, she [said](#).

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Bloomberg Environment

Houston Chemical Blaze Intensifies After Loss of Water Pressure

<https://news.bloombergenvironment.com/environment-and-energy/houston-chemical-blaze-intensifies-after-loss-of-water-pressure>

Simon Casey, Kevin Crowley, and Jack Kaskey

Tuesday, March 19, 2019

- Fire now affecting eight storage tanks, plant owner ITC says
- Blaze began on Sunday and has cast pall of smoke over city

A fire at a petrochemical storage facility that's covered Houston in a thick pall of smoke for the past two days intensified overnight after firefighters briefly lost water pressure.

Two additional storage tanks are ablaze, bringing the total to eight, Intercontinental Terminals Co., the facility's owner, said in an update in the early hours of Tuesday. The water pressure was subsequently restored and additional help in fighting the fire is expected to be on hand later this morning, it said.

The blaze is affecting tanks that store liquids used to make gasoline. The Deer Park facility, about 18 miles east of the city, has a total of 242 tanks located near the Houston Ship Channel, one of the busiest ports along the Gulf Coast. First responders said yesterday that the fire will likely burn for two more days.

"Air monitoring continues," said ITC, a unit of Tokyo-based Mitsui & Co. "Readings are currently well below hazardous levels."

Still, Houston residents were urged on Monday to stay inside and nearby schools and highways were closed as fumes soared up into the sky causing a black haze across the city.

The fire "demonstrates how chemical disasters happen far too often in our region, often due to lax regulatory oversight and enforcement," said Stephanie Thomas, researcher for Public Citizen, which advocates for environmental protection.

She criticized the Trump administration for seeking to reduce funding to the Environmental Protection Agency and other government plans "which sought to bring greater safety to communities like Deer Park that are surrounded by the petrochemical industry."

Potential health effects of the smoke include coughing, difficulty breathing and irritation to eyes and throat, according to the One Breath Partnership, an organization that works to improve air quality.

"You can really smell & taste it now," real-estate agent Jon Gardella said on Twitter, referring to the black smog enveloping Houston on Monday morning.

Ships in the area at the time of the incident have been cleared out and they are currently not permitted to enter or depart the area, U.S. Coast Guard Watch Supervisor Alberto Hernandez said by phone Monday morning.

Prices for naphtha on the U.S. Gulf Coast rose 2.45 cents to \$1.5002 a gallon Monday, according to data compiled by Bloomberg.

The tank farm occupies 265 acres on the Houston Ship Channel east of the city. It can store more than 13 million barrels of chemicals, petroleum, fuel oil and gases. It serves marine, train and trucking transport with five tanker berths and its own rail spur.

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Chemical Watch

US EPA releases mercury reporting tools

<https://chemicalwatch.com/75140/us-epa-releases-mercury-reporting-tools>

March 19, 2019

The US EPA has released guidance materials to help companies, organisations and individuals to comply with the agency's mercury inventory [reporting rule](#).

Reporting must be completed through the online Mercury Electronic Reporting (MER) application, housed under the Central Data Exchange (CDX). To assist companies in fulfilling their obligations, the agency has issued tools including:

- frequently asked questions;
- a compliance guide; and
- a MER application guide to help users determine if they are subject to the mercury inventory requirements.

The reporting deadline for all 2018 activities is 1 July.

The EPA plans to use the information collected to develop a [second](#) mercury inventory, with an anticipated 2020 release.

The agency also will recommend manufacturing processes and products that can reduce mercury use.

The EPA is required by 2016 amendments to TSCA to publish an inventory every three years. The first [inventory](#) was published in 2017.

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CNBC

UPDATE 3- Houston petrochemical fire rages, Texas expands air monitoring

<https://www.cnbc.com/2019/03/19/reuters-america-update-3-houston-petrochemical-fire-rages-texas-expands-air-monitoring.html>

Gary McWilliams and Erwin Seba

Posted: 3:50pm, March 19, 2019

(Adds EPA reviews, gasoline pricing, paragraphs 6, 11)

HOUSTON, March 19 (Reuters) - Houston officials and environmental groups raced to expand air monitoring on Tuesday after a raging fire at a Mitsui & Co petrochemical storage site produced billowing acrid smoke that could be seen and smelled miles away.

The blaze at Mitsui unit Intercontinental Terminals Co in Deer Park, Texas, burned for a third day after firefighting water pumps broke down for six hours on Monday evening and flames engulfed two more tanks, the company said.

The fire began on Sunday when a leaking tank containing volatile naphtha, a fuel used in the production of gasoline, ignited and flames quickly spread to nearby tanks, ITC said.

Thick acrid smoke could be smelled miles away in Houston and was visible dozens of miles away. State and federal monitors said air quality was safe, but environmental groups disagreed and said they would conduct their own monitoring.

The Texas Commission on Environmental Quality said there was an increase in soot and other contaminants at ground levels around the site but levels remained below those considered unhealthy. Monitoring by an Environmental Protection Agency aircraft also found "no significant detections," the EPA said.

But Neil Carmen, a director at the Texas chapter of the Sierra Club environmental group, said the airborne plume likely contained tens of thousands of milligrams of particles, well above levels considered safe.

The Environmental Defense Fund (EDF), a nongovernmental organization, was deploying 10 air-quality monitors to check for nitrogen oxides and soot around Houston and adding another 10 monitors in the near

future, said Matt Tresaugue, an EDF spokesman. He said the city had requested the EDF monitors.

The tanks hold flammable liquids that are difficult to extinguish using water and foam suppressants. Five of the 15 tanks continued to burn Tuesday, while two have collapsed and volatile liquids in three others burned out, ITC said.

A local fire official said the blaze may have to burn itself out. Each tank holds 80,000 barrels, or up to 3.3 million gallons, of liquids that are used to boost gasoline octane, make solvents and plastics.

Gasoline prices on the Colonial pipeline, which sends fuel to the U.S. East Coast from Houston, were up on Tuesday between 1- and 2-cents a gallon over levels prior to the fire.

"I can't tell you how long it will take to burn out," said Harris County Fire Marshal Laurie Christensen at a morning briefing. "I'm not going to give you a timetable."

Some of the water and chemicals have washed into the adjacent Houston Ship Channel that links the Gulf of Mexico to Houston, the nation's busiest petrochemical port, ITC spokesman Dale Samuelsen said.

Pumps on two boats feeding water to firefighters malfunctioned for about six hours on Monday evening, he said. As a result, two more tanks caught fire. On Tuesday, ITC added a 15-person crew experienced in battling tank-farm fires as well as additional high-pressure pumps and suppressant foam.

"We have been up to this point in defensive mode" trying to contain the fire, said Samuelsen. "Because of the expertise these guys bring, the expectation is we'll be able to go into offensive mode."

Samuelsen said the burning tanks are within a six-foot tall earthen berm that is collecting water and chemicals. Firefighters are pumping 10,000 to 20,000 gallons of water and foam a minute onto the tanks. (Reporting by Erwin Seba and Gary McWilliams; Additional reporting by Collin Eaton; Editing by Jeffrey Benkoe and David Gregorio)

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Cronkite News

EPA plan to ease mercury standards raises ire of moms' group, activists

<https://cronkitenews.azpbs.org/2019/03/18/epa-plan-to-ease-mercury-standards-raises-ire-of-moms-group-activists/>

Andrew Howard

Posted: March 18, 2019

WASHINGTON – Phoenix mom Claudia Faudoa joined dozens of activists Monday who called the Environmental Protection Agency's plan to relax standards on power plant emissions, like mercury, an "attack on American children."

"I've traveled all the way from Arizona this morning to tell you that my children are the most precious resource I have," Faudoa said at a public hearing on the proposed changes. "And that is why we must ensure that the mercury standards are not undermined, weakened or reduced in any way."

But the EPA said that it needs to revise its 2016 Mercury and Air Toxics Standards (MATS) after a new analysis showed the costs of implementing the standards "grossly outweigh" its benefits. The agency said the current rules could cost oil- and coal-fired power plants as much as \$9.6 billion to implement while producing no more than \$6 million a year in benefits.

A spokeswoman for Arizona Public Service said Monday that APS does not typically comment on regulatory changes, but she said the utility will comply with whatever rules are announced.

But one energy company executive at the EPA hearing welcomed the proposed changes, although he said they do not go far enough.

"We commend EPA for acknowledging that MATS' massive costs far exceed the benefits that would be produced by its small, incremental reduction in mercury emissions," said Cody Nett, assistant general counsel for Murray Energy Corp. in comments at the hearing.

But Nett said the company is “extremely disappointed” that the [MATS rule](#) was not rescinded entirely.

“Leaving MATS in place would be just as great an affront to the rule of law – if not greater – than the fuzzy math and baseless hand-waving deployed by the Obama administration to impose the rule in the first place,” he said in his prepared remarks.

The EPA in early February posted notice of the [proposed changes](#) to the rule, which would end regulations for hazardous air pollutant emissions, like mercury, from coal and oil power plants. The agency said that when the limits were last refined, the cost for companies to implement them was not considered. With that in mind, the agency said, it is no longer “appropriate and necessary” to regulate hazardous air pollutant emissions from power plants.

But environmental groups fear the changes may result in more mercury pollution, which can be harmful to people and the environment.

Gabriela Rivera is regional field manager for EcoMadres, a collaborative between Moms Clean Air Force and Green Latinos. She said the organizations hope the comments from her group and others will persuade the EPA that it should not relax the mercury standards.

“We hope it will make change,” Rivera said after testifying Monday. “It’s a lot of stories, it’s a lot of moms, it’s a lot of children’s lives that are going to be affected.”

Faudoa, who is a member of EcoMadres, said “failing to take action comes at a serious health and financial cost for Latinos and all Americans.”

“I know Latinos and low-income communities live closer to the most pollution ... and this proposal will affect them more,” she said. “It will allow more pollution when we need less. That is unacceptable, it is not right.”

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The National Law Review

EPA Releases New Tools to Help Companies Meet July 1 Mercury Reporting Requirements

<https://www.natlawreview.com/article/epa-releases-new-tools-to-help-companies-meet-july-1-mercury-reporting-requirements>

Bergeson & Campbell, P.C.

Posted: March 19, 2019

On March 18, 2019, the U.S. Environmental Protection Agency (EPA) released new tools intended to help companies, organizations, and individuals fulfill their reporting requirements under the mercury reporting requirements rule. Those required to report under the mercury rule can now do so online through the Mercury Electronic Reporting (MER) application accessed through EPA’s Central Data Exchange (CDX). EPA states that it designed this reporting tool “to be user-friendly, with drop-down menus and lists of check-box options, to help make reporting easy and efficient.” As reported in our June 25, 2018, memorandum, “[EPA Publishes Final Reporting Requirements for TSCA Mercury Inventory](#),” the mercury rule applies to any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process (including processes traditionally not subject to the Toxic Substances Control Act (TSCA), such as for the manufacture of pharmaceuticals and pesticides). EPA will use data from the 2018 reporting year for the **2020** mercury inventory. The 2018 reporting year is from January 1, 2018, to December 31, 2018, and the submission deadline for the 2018 reporting year is **July 1, 2019**. Based on the information collected, EPA will identify any manufacturing processes or products that intentionally add mercury and recommend actions to achieve further reductions in mercury use.

Reporting Requirements

As reported in more detail in our June 25, 2018, memorandum, EPA is requiring reporting of the following activities when intentionally undertaken with the purpose of obtaining an immediate or eventual commercial advantage:

- Import of mercury;

- Manufacture (other than import) of mercury;
- Import of a mercury-added product;
- Manufacture (other than import) of a mercury added product; or
- Intentional use of mercury in a manufacturing process.

In addition, EPA states, the following activities are part of supply, use, and trade of mercury:

- Distribution in commerce, including domestic sale or transfer, of mercury;
- Distribution in commerce, including domestic sale or transfer, of mercury-added products or products that result from the intentional use of mercury in a manufacturing process;
- Storage of mercury;
- Export of a mercury compound (unless specifically prohibited); or
- Export of mercury-added products or products that result from the intentional use of mercury in a manufacturing process.

Persons Who Manufacture (Including Import) Mercury

Persons who manufacture (including import) in excess of 2,500 pounds (lbs.) of elemental mercury or in excess of 25,000 lbs. for mercury compounds for a specific reporting year are not required to report amounts manufactured (including imported) or exported that are already reported per the Chemical Data Reporting (CDR) rule. As described in the table below, such persons are required to provide quantitative data on storage and distribution in commerce, however, as well as qualitative and contextual information related to all applicable data elements under the proposed rule. EPA states that to decrease reporting burdens, it will provide preselected lists of mercury compounds to streamline reporting requirements as much as possible.

Information to Report -- Mercury	
Persons Who Must Report	Applicable Reporting Requirements
Persons who manufacture (including import) mercury in amounts greater than or equal to 2,500 lbs. for elemental mercury or greater than or equal to 25,000 lbs. for mercury compounds for a specific reporting year (<i>i.e.</i> , current CDR reporters)	<ul style="list-style-type: none"> -- Country(ies) of origin for imported mercury -- Country(ies) of destination for exported mercury -- Amount of mercury stored (lbs.) -- Amount of mercury distributed in commerce (lbs.) -- North American Industry Classification System (NAICS) code(s) for mercury distributed in commerce
All other persons who manufacture (including import) mercury	<ul style="list-style-type: none"> -- Amount of mercury manufactured (lbs.) -- Amount of mercury imported (lbs.) -- Country(ies) of origin for imported mercury -- Amount of mercury exported (lbs.), except mercury prohibited from export at 15 U.S.C. § 2611(c)(1) and (7) -- Country(ies) of destination for exported mercury -- Amount of mercury stored (lbs.) -- Amount of mercury distributed in commerce (lbs.) -- NAICS code(s) for mercury distributed in commerce

	-- As applicable, specific mercury compound(s) from pre-selected list
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Persons Who Manufacture or Import Mercury-Added Products

The final rule discusses reporting requirements for persons who report sales of mercury-added products to the Interstate Mercury Education and Reduction Clearinghouse (IMERC) and persons who manufacture or import mercury-added products. The combined general, specific, and contextual reporting requirements of the final rule “are designed not only to provide information that [is] expected to identify mercury-added products that are components within assembled products, but also to avoid unnecessary, duplicative, and burdensome reporting as much as feasible.” EPA notes that persons who report to IMERC identify the amount of mercury sold in mercury-added products that may be manufactured, distributed, or imported. EPA states that it considers the amount of mercury reported to IMERC as sold to be comparable to the amount of mercury to be reported under the rule as distributed in commerce. As such, EPA is not requiring persons who report to IMERC to report amounts of mercury distributed in commerce in mercury-added products. Those persons must report quantitative and qualitative information for other applicable data elements (*e.g.*, manufacture, import, and export of mercury-added products), however. As described in the table below, such persons are also required to report contextual information applicable to amounts, if any, of mercury in mercury-added products manufactured, imported, distributed in commerce, or exported. According to EPA, in further efforts to decrease reporting burdens, it will provide pre-selected lists of mercury-added product categories to streamline reporting requirements as much as possible.

Information to Report -- Mercury-Added Products	
Persons Who Must Report	Applicable Reporting Requirements
Persons who manufacture (including import) mercury-added products, except a product that contains a component that is a mercury-added product, who currently report to IMERC	<ul style="list-style-type: none"> -- Amount of mercury in manufactured products (lbs.) -- Amount of mercury in imported products (lbs.) -- Country(ies) of origin for imported products -- Amount of mercury in exported products (lbs.) -- Country(ies) of destination for exported products -- NAICS code(s) for products distributed in commerce -- As applicable, specific product category(ies) and subcategory(ies) from pre-selected list
All other persons who manufacture (including import) mercury-added products, except a product that contains a component that is a mercury-added product	<ul style="list-style-type: none"> -- Amount of mercury in manufactured products (lbs.) -- Amount of mercury in imported products (lbs.) -- Country(ies) of origin for imported products -- Amount of mercury in exported products (lbs.) -- Country(ies) of destination for exported products -- Amount of mercury in products distributed in commerce (lbs.) -- NAICS code(s) for products distributed in commerce (lbs.) -- As applicable, specific product category(ies) and subcategory(ies) from pre-selected list

Persons Who Otherwise Intentionally Use Mercury in a Manufacturing Process

The Frank R. Lautenberg Chemical Safety for the 21st Century Act (Lautenberg Act) includes persons who intentionally use mercury in a manufacturing process among those who must report. EPA states that it believes that persons who otherwise intentionally use mercury in a manufacturing process may currently report to existing data collection programs in the U.S., “but because the reporting requirements for the mercury inventory differ from those programs, EPA does not view the reporting requirements to be duplicative or unnecessary.” EPA intends the general, specific, and contextual reporting requirements in the following table to provide a complete picture of uses for which little information is currently available.

Information to Report -- Otherwise Intentional Use of Mercury in a Manufacturing Process	
Persons Who Must Report	Applicable Reporting Requirements

Persons who otherwise intentionally use mercury in a manufacturing process, other than the manufacture of a mercury compound or a mercury added product	-- Amount of mercury intentionally used (lbs.) in pre-selected list of manufacturing processes -- Amount of mercury stored (lbs.) -- Country(ies) of destination for exported final product(s) -- NAICS code(s) for mercury in final product(s) distributed in commerce -- As applicable, specific manufacturing process from preselected list -- As applicable, specific use of mercury in manufacturing process from pre-selected list
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Persons Not Required to Report

The following categories are exempt from reporting to EPA:

- Persons who do not first manufacture, import, or otherwise intentionally use mercury;
- Persons who are engaged only in the generation, handling, or management of mercury-containing waste, unless mercury is recovered to place in commerce;
- Persons who manufacture mercury or import mercury only as an impurity;
- Persons engaged in activities involving mercury without the purpose of obtaining an immediate or eventual commercial advantage; or
- Manufacture or import of a product that contains a component that is a mercury-added product.

Resources

EPA has posted the following resources to help companies, including small businesses, determine whether they are subject to EPA's mercury inventory reporting requirements:

- [Frequent Questions about EPA's Mercury Inventory Reporting Rule](#);
- [Compliance Guide: Reporting Requirements for the Mercury Inventory of the Toxic Substances Control Act](#);
- [CDX Mercury Electronic Reporting User Guide -- Primary Support](#);
- [CDX Mercury Electronic Reporting User Guide -- Primary Authorized Official](#); and
- [CDX Mercury Electronic Reporting User Guide -- Primary Agent/Consultant](#).

Commentary

As we have noted, the mercury rule applies to any person who manufactures (including imports) mercury or mercury-added products, or otherwise intentionally uses mercury in a manufacturing process, including processes traditionally not subject to TSCA, such as for the manufacture of pharmaceuticals and pesticides.

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The Post and Courier

We finally got the EPA to ban the chemical that killed our son

https://www.postandcourier.com/opinion/commentary/we-finally-got-the-epa-to-ban-the-chemical-that/article_82b24894-498c-11e9-a71e-132bd509b713.html

Cindy Wynnee and Hal Wynne

Tuesday, March 19, 2019

At long last, the chemical that killed our son, Drew, has been banned from store shelves. Today, we are celebrating that the Environmental Protection Agency has finalized the ban on methylene chloride in paint strippers that will ensure this deadly chemical is no longer available to consumers across the country.

It has been a long fight to get to this point. We have lobbied in Washington, D.C., called on retailers to remove deadly paint strippers, and shared our story with anyone who would listen. We, of course, wish Drew was still with us and that we didn't want to have to do any of this. But we wouldn't wish our grief on anyone, so we continued to fight to honor our son and to ensure no other family would experience the terrible loss of a loved one to methylene chloride.

Drew was 31 years old when he passed away. He was exposed to methylene chloride while using a paint stripper purchased from a home improvement store to fix up the floor of his small, cold-brew coffee business. His friend and business partner found him collapsed on the floor, and Drew was pronounced dead while the hazmat team cleared the area.

Before this tragedy, we had never heard of methylene chloride. And we were shocked to learn that the dangers of the chemical are well known — it has caused at least 50 deaths since 1980, but we suspect many more injuries and related deaths that were not reported or thought to be linked to the chemical.

It was even more unbearable to learn that the EPA had proposed banning methylene chloride in paint strippers in early January 2017, nine months before Drew was killed by the chemical.

Last spring, we shared Drew's story with our members of Congress, Sens. Tim Scott and Lindsey Graham, and former Rep. Mark Sanford, and they sent a letter to the EPA urging the agency to act.

In May, my family and the family of a young man who died using another methylene chloride-based paint stripper went to meet then-EPA Administrator Scott Pruitt to urge him to ban such products. Two days later Pruitt announced that the EPA would finally act.

While we were encouraged, we became frustrated when months passed without action. As the EPA continued to stall, major retailers made commitments to remove the deadly products from store shelves.

And the pressure toward the EPA kept growing. We met with Sen. Scott and he and his staff, along with Sen. Graham's office, made sure to keep pressure on the EPA and the Trump administration to get the ban finalized.

We couldn't have known how difficult it would be to get a deadly product off store shelves. But finally, the work we have done to honor our son has succeeded. The ban is final.

Unfortunately, the fight isn't over for a family we met in this process —and our hearts break for them. While the EPA has banned consumer uses of methylene chloride in paint strippers, the agency will continue to allow the chemical for commercial use. This decision to limit the ban will, tragically, leave workers at risk of dangerous exposure to methylene chloride.

Though the ban is not as protective as it should have been, we are thankful that the EPA took this crucial step and that our senators stood by us. Drew certainly drove us to this victory. Because of the work to get this ban

finalized, deadly paint strippers containing methylene chloride will no longer be on store shelves in the country. And that is something to celebrate and a tribute to our beloved son.

Cindy and Hal Wynne are Charleston residents.

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Utah Public Radio

Advocates Criticize EPA Plan To Roll Back Pollution Regs

<https://www.upr.org/post/advocates-criticize-epa-plan-roll-back-pollution-regs>

Mark Richardson

Posted: 3:50pm, March 19, 2019

Members of Moms Clean Air Force testified Monday before the Environmental Protection Agency over [plans to roll back protections](#) on toxic air pollutants. More than 30 moms from 15 states condemned a Trump administration proposal to weaken the Mercury and Air Toxics Standard, called MATS, which sets limits on pollution from coal-fired power plants.

Elizabeth Ewaskio lives in Salt Lake City with her daughter and husband. She told the EPA her family faces the Salt Lake Valley's annual winter atmospheric inversion, which can turn the air quality from fair to dangerous.

"I'm six months pregnant. I have a 3 1/2 year-old and my husband is seriously asthmatic," Ewaskio said. "Raising children in the Salt Lake Valley can be quite guilt-inducing as a parent. So, I'm really concerned with the proposed mercury and other toxic chemicals rollback."

Ewaskio said although the inversion is a natural phenomenon, the presence of four coal-fired power plants in Utah, including one in the Salt Lake Valley, contributes to the poor air quality there during the winter months. The plants emit mercury, a neurotoxic heavy metal that disrupts development of the fetal brain and harms toddlers and adults as well.

The MATS standard was put in place during the Obama administration. But Trump's EPA has claimed, based on a cost-benefit analysis, the rule is neither "appropriate" nor "necessary."

Ewaskio told the EPA pollution from the annual air inversion is an ever-present danger to her family.

"I would say it affects us greatly," she said. "I teach skiing in the winter so that our family can get up into the mountains to breathe the clean air as much as possible. And I planned my pregnancy so that I could be in my second trimester during a particular time of year."

She said rolling back the MATS standards will likely mean an increase in illness and death.

"The MATS standard was implemented in 2011, and we've seen across the country an 80 percent decrease in mercury-related pollution," Ewaskio said; "which has saved approximately 11,000 lives each year."

She added the EPA standards have protected families not only from mercury pollution, but also from other cancer-causing substances such as arsenic, lead, chromium and nickel.

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Bloomberg Environment

Bipartisan Pushback Against Some Environmental Cuts

<https://news.bloombergenvironment.com/environment-and-energy/bipartisan-pushback-against-some-environmental-cuts>

Dean Scott

Tuesday, March 19, 2019

White House knows Congress won't go along with proposed cuts to some programs, Rep. Simpson says
Lawmakers vow to resist cuts for carbon capture research, ARPA-E, regional programs

For the third time since taking office, President Donald Trump wants to make deep cuts to clean energy and environmental programs, but some of those programs have broad bipartisan constituencies.

"They [White House officials] make some proposals in there that they know we're not going to go along with," said Idaho Rep. Mike Simpson, the top Republican on the House Appropriations energy and water spending panel. That's especially true now that Democrats control the House, he said.

"Elections have consequences, and the bills we write are going to be more in the Democratic mold," he said.

Simpson's comments echo a wider practice of many presidents, who proposed cuts to some popular domestic programs knowing Congress would restore their funding. In Trump's case, his budget attempts to funnel greater spending into the defense budget and his border wall plan.

Here are some of the particular initiatives that lawmakers in both parties predict will avoid Trump's budget ax:

EPA

Trump is proposing \$6.1 billion in total Environmental Protection Agency spending in fiscal 2020, which would return the agency to funding levels it hasn't seen since the early 1990s.

Maine Sen. Susan Collins, the lone Republican to vote "no" on the Senate's confirmation of EPA Administrator Andrew Wheeler last month, said Trump's proposed \$2 billion cut in EPA funding won't stand.

"That's deep," said Collins, who sits on the Senate Appropriations Committee.

She noted the Senate has repeatedly resisted Trump's efforts to slash EPA funding, instead keeping the agency at or above the \$8 billion mark during his presidency.

Fossil Energy Research

Sen. John Hoeven (R-N.D.), a Senate Appropriations Committee member, and Sen. Joe Manchin (D-W.Va.) said they'll push to restore cuts proposed to the Energy Department's Office of Fossil Energy Research and Development, which oversees carbon capture research.

It would get \$562 million in fiscal 2020 under the Trump proposal, a nearly \$200 million cut from estimated fiscal 2019 levels.

"This is one of the things that I'll be working on throughout the appropriations process, to make sure that we have the necessary funding in fossil fuel areas so we can develop the carbon capture and storage we need," Hoeven said.

Manchin, the Energy and Natural Resources Committee's top Democrat, also plans to vote on that funding.

“Carbon capture and utilization is by far the best thing we can do not just in this country but worldwide” on research and development to address climate change, he said. “And you can’t do that unless you have R&D.”

Green Climate Fund

Trump, as expected, also won’t be putting money into the Green Climate Fund, the third straight year he has zeroed out support for the United Nations program to help developing countries cut greenhouse gas emissions and address climate impacts.

President Barack Obama pledged \$3 billion toward the fund, but the program received only one-third of that amount before Trump took office due to congressional opposition.

Sen. Jeff Merkley (D-Ore.) said having Democrats in control of the House could help in his effort to restore that funding.

“There is the possibility of reviving it because we will have at least one chamber that will want to honor the responsibilities” the U.S. pledged, said Merkley, who sits on the Senate Appropriations Committee.

Efficiency and Renewable Energy

Sen. Catherine Cortez Masto (D-Nev.), an energy committee member, said she’ll push for “healthy” funding of clean energy research and was confident Congress would resist the deep cuts Trump proposed for Energy’s Office of Energy Efficiency and Renewable Energy.

The office would see its \$2.3 billion budget slashed by about 70 percent, to \$700 million.

Trump’s budget would “gut or cut everything, including renewables,” she said, “and is more focused on oil and gas leasing than supporting clean energy.”

ARPA-E

Idaho’s Simpson said the Advanced Research Projects Agency-Energy (ARPA-E) will likely get strong backing from both parties. The Energy Department agency invests in high-risk, innovative energy technologies.

The White House called for its elimination in earlier budget requests, but the program is currently funded at \$366 million.

Rep. Greg Walden (Ore.), ranking Republican on the House Energy and Commerce Committee, also said he expects ARPA-E and other energy research to continue thriving.

“One of the best things the government can do is invest in basic research through ARPA-E and in our national labs; they are doing amazing work,” Walden said.

Republicans who generally oppose government “picking winners and losers in the marketplace”—particularly among energy choices—still want “us leading on the research and the innovation. I think there’s a lot of space there for agreement,” he said.

Water Infrastructure

Water infrastructure funding, which traditionally has won strong bipartisan support, will be an even bigger priority now that Democrats control the House, said Rep. Grace Napolitano (D-Calif.), who chairs the House Transportation and Infrastructure's water resources and environment subcommittee.

Trump's proposed budget would curb EPA's largest water infrastructure program by more than 12 percent from current funding levels. Both the Obama and Bush administrations also proposed funding cuts to this program that were eventually restored by Congress.

"We have a role to play in clean water, I think you'll see that," Napolitano said. "Cities and states can't do it alone."

Regional Environmental Efforts

Sen. Ron Portman (R-Ohio) and Rep. Fred Upton (R-Mich.) vowed to ensure full funding of an EPA program to clean up the Great Lakes, known as the Great Lakes Restoration Initiative, which faces near-elimination under Trump's budget.

Presidents from both parties have targeted the program, and "every year we have successfully defeated those efforts and ensured that this critical program receives full funding," Portman said in a March 11 statement.

Sen. Ben Cardin (D-Md.) said he also will work with surrounding states in the Chesapeake Bay's watershed to reverse deep cuts to the bay's restoration. Trump is proposing just \$7.3 million in fiscal 2020 for a program that received an estimated \$73 million in the current fiscal year.

"The president's budget does speak volumes—it tells us the President of the United States is not committed to an Environmental Protection Agency that can protect our environment," Cardin said.

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E&E News

EPA seeks expanded waste program as greens pursue litigation

<https://www.eenews.net/greenwire/2019/03/19/stories/1060127645>

Sean Reilly

Tuesday, March 19, 2019

As part of its proposed budget for next year, the Trump administration wants to expand an EPA program that gives states regulatory authority for coal ash disposal.

Environmental groups meanwhile want a federal judge to revoke the sole state permit that the agency has issued so far.

The tension is displayed in documents released by the two sides in recent days. Almost four years after EPA published first-ever federal rules for disposal of the waste produced by coal-fired power plants, it underscores the uncertainties that continue to envelop those regulations.

"There are a lot of unanswered questions and a lot that needs to be resolved," Earthjustice attorney Jennifer Cassel said in an interview this morning.

Cassel is helping to represent a coalition of environmental groups that filed a court challenge last year to EPA's approval of Oklahoma's coal ash permitting program.

The lawsuit was filed with the U.S. District Court for the District of Columbia last fall by the Waterkeeper Alliance and two other groups.

In a Friday motion, they asked Judge John Bates to void Oklahoma's permit. As grounds, the groups argue EPA "unlawfully" granted its approval last June without first publishing minimum guidelines for public participation.

But they also point to a ruling two months later by the U.S. Court of Appeals for the District of Columbia Circuit that deemed portions of the original 2015 EPA disposal regulations too weak and threw them out.

"Oklahoma's coal ash regulations contain provisions nearly identical to the provisions vacated by the D.C. Circuit," the motion says, adding that EPA's signoff on the state's program is "invalid as a matter of law."

In separate litigation, EPA says it's working on addressing the flaws highlighted by the D.C. Circuit's ruling. The agency's response in the Oklahoma permit case is due with the court by April 29.

In the interim, the White House is nonetheless asking Congress for more money and staff to support state coal ash permitting programs. Under a detailed fiscal 2020 budget request to lawmakers released yesterday, the administration says it wants another \$3 million and 14 full-time equivalent employees for that purpose.

What EPA currently has set aside for those activities is unclear; as of publication time, agency press aides had not replied to an emailed request late yesterday for information on the program's budget and staffing for this fiscal year.

While lawmakers ordered the agency to spend at least \$8 million on the program under a spending bill signed last month, the new request references a different baseline called the "annualized continuing resolution."

Coal ash, one of the nation's largest waste streams, is typically stored in ponds or landfills around the power plants that produce it. While coal ash is officially classified as nonhazardous, a recent report by the Environmental Integrity Project found unsafe levels of groundwater contamination at more than 240 plant sites around the country (Greenwire, March 4).

Under EPA's 2015 regulations, the main enforcement mechanism remains citizen lawsuits. But as part of a 2016 law known as the Water Infrastructure Improvements for the Nation Act, Congress also authorized the creation of state permitting programs, as long as they are "at least as protective" of public health as the original regulations.

So far, Oklahoma is the only state to win EPA approval of its program, although at least several others are seeking the same authority.

Last month, for example, Missouri unveiled its plan. But the solid waste director of the Missouri Department of Natural Resources acknowledged that the specifics would likely change to mesh with "whatever the

federal rule ends up being finalized," according to a St. Louis Public Radio report (Greenwire, Feb. 7).

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Environmental Defense Fund

EDF Urges EPA to Withdraw Harmful Attack on Climate Pollution Standards for New Coal-Fired Power Plants

<https://www.edf.org/media/edf-urges-epa-withdraw-harmful-attack-climate-pollution-standards-new-coal-fired-power-plants>

Sharyn Stein

Tuesday, March 19, 2019

(Washington, D.C. – March 19, 2019) EDF filed comments with EPA last night urging Administrator Andrew Wheeler to withdraw a proposal that would severely weaken common sense protections against pollution from new coal-fired power plants and would increase Americans' risk from climate change.

"EPA's proposal would place no meaningful limits on carbon pollution from new coal-fired power plants, and even gestures towards the possibility of leaving carbon pollution from these plants entirely unregulated." EDF says in its comments. "Like EPA's proposed 'replacement' for the Clean Power Plan, this Proposal is deeply damaging to public health and welfare, rests on a fatally deficient record, and represents an abdication of EPA's legal obligations under the Clean Air Act. We urge EPA to withdraw this Proposal and strengthen the current standards to better protect communities from climate and health risks."

EDF also joined other public health and environmental organizations to file two additional comment letters: the first highlighting the proposal's total disregard for the urgent threat of climate change, and the second describing why carbon pollution from fossil fuel-fired power plants must be regulated under the Clean Air Act.

Fossil fuel-fired power plants are among the nation's largest sources of the harmful pollution that drives climate change. EPA established our first-ever nationwide limits on carbon dioxide pollution from new, modified, and reconstructed fossil fuel-fired power plants in 2015. As the Clean Air Act requires, EPA set the standards at levels that reflect the best demonstrated pollution controls – which, for new coal-fired power plants, includes partial capture and storage of carbon dioxide pollution. These standards have been in full force and effect for more than three years, protecting all Americans from uncontrolled carbon dioxide pollution from new power plants.

In December, then-acting EPA Administrator Andrew Wheeler issued a proposal to significantly weaken the existing protections. Wheeler's proposal would allow new coal-fired power plants to be built and operated without reducing their carbon dioxide pollution to any meaningful degree. The proposal came mere weeks after EPA closed the comment period on a separate proposal that would severely weaken the Clean Power Plan, America's only nationwide limit on carbon pollution from existing fossil fuel power plants. Both proposals fly in the face of mounting evidence that we must act to reduce climate pollution, including the Trump administration's own reports showing that natural disasters are worsening because of climate change and that greenhouse gases have increased by 41 percent since 1990.

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ThinkProgress

Evangelicals among those battling EPA efforts to weaken toxics regulation at power plants

<https://thinkprogress.org/faith-groups-epa-toxix-chemical-regulations-power-plants-5da1991f1969/>

E.A. Crunden

Tuesday, March 19, 2019

Faith groups and a bipartisan alliance of lawmakers are coming out hard against the Trump administration's efforts to rollback rules overseeing toxic chemicals at power plants.

During a hearing on Monday, representatives from a number of religious and spiritual organizations, including evangelical Christian, Catholic, and Jewish groups, spoke out against the Environmental Protection Agency's (EPA) plans to weaken the Mercury and Air Toxics Standards (MATS) rule.

The MATS rule aims to limit the amount of mercury and other toxic gases emitted from power plants as a byproduct of burning coal or oil. The Trump administration has moved to weaken the rule in a boon to the fossil fuel industry that could see human health severely impacted, worrying a number of religious organizations in the process.

And they aren't alone in their objections. Also on Monday, a bipartisan group of senators wrote to EPA Administrator Andrew Wheeler opposing "any action that could lead to the undoing" of the MATS rule. The outpouring of objection from religious organizations coupled with emerging opposition from some Republicans marks a hard break with President Donald Trump, who will likely rely on groups including conservative Christians to maintain the presidency in 2020.

"When I hear the words 'protect human health' I think of Jesus," said Melody Zhang, a member of Young Evangelicals for Climate Action (YECA), at the public hearing Monday. "Jesus always acted out of compassion for the under-heard. I challenge you to live out this EPA mission by upholding the Mercury Rule."

Zhang was among more than a dozen speakers associated with a faith group that spoke out against the MATS rollback during the hearing. They were joined by many others; the all-day event saw speakers ranging from medical professionals opposing the rule change to hardline supporters of the rollback like representatives from Murray Energy, the coal company that once hired Wheeler as a lobbyist.

The number of religious groups opposing the administration's anti-environment agenda is far from a monolith and many people of faith have supported the president's mass rollback of environmental regulations more generally. But for the speakers on Monday, the connection between faith and upholding rules like MATS is clear.

"We start with the concept that we care for God's creation," Jose Aguto, associate director for the Catholic Climate Covenant, told ThinkProgress. "Especially the poor and vulnerable ... we find that the measure of every institution is life and dignity."

Established in 2011, the Obama-era MATS rule limits hazardous pollution at both coal and oil-burning power plants. The standards have been credited with saving up to 17,000 lives per year, even as the energy industry and other stakeholders have sought to block MATS through litigation.

The EPA, however, isn't moving to get rid of MATS entirely. Instead, the agency would reduce the emphasis the rule places on public health data, which justifies costs to power plants by prioritizing the well-being of people. The EPA would subsequently place emphasis on the costs to fossil fuel interests, which can be steep. That new approach would greatly reduce the effectiveness of MATS, likely threatening thousands of lives in the process.

Weakening the MATS rule, Aguto said, “threatens life and dignity.” As a Catholic, he emphasized concern for the health of fetuses; mercury is a toxin that can have severe impacts in utero, causing brain damage along with potential hearing and vision problems.

“We feel that this is a real threat,” Aguto continued, calling any MATS rollback a “renunciation of the EPA’s very mission.”

The Longview Power Plant, a coal-fired plant, stands on August 21, 2018 in Maidsville, West Virginia. CREDIT: Spencer Platt/Getty Images

EPA to roll back mercury rule in a boon to coal industry and blow to human health

Speakers associated with faith groups on Monday talked about the role religion has played in their opposition to the Trump administration’s environmental regulation rollbacks, with an emphasis on health concerns.

“As I read the Scriptures of my own faith, we are called to follow the example of Jesus Christ, who protected the poor, the marginalized, and the vulnerable — and advised the mighty and the powerful to do the same,” said Rev. Susan Hendershot, president of the organization Interfaith Power and Light, during her testimony, later shared with ThinkProgress.

Rolling back MATS, Hendershot argued, would be “morally unacceptable” and at odds with “Christian tradition.”

Mirele B. Goldsmith, who spoke on behalf of the Jewish Climate Action Network (JCAN) on Monday, relayed similar concerns about health and the environment to ThinkProgress.

“We are seeing a surge in activism by Jews across the country who want to see more, not less, protection for people and nature,” said Goldsmith. “We feel compelled to take action in our homes and synagogues, and to speak up for our values in public.”

The faith groups’ opposition comes as bipartisan concern grows over efforts to weaken MATS. The letter sent on Monday to Wheeler included among its signatories Sens. Lamar Alexander (R-TN), Thom Tillis (R-NC), Susan Collins (R-ME), Tom Carper (D-DE), Sherrod Brown (D-OH), and Joe Manchin (D-WV). Collectively, the lawmakers argue, “cleaner air means better health, a better economy, and better jobs for residents of our states.”

Tillis and Collins are both eyeing re-election in 2020, while Alexander is retiring. Their show of support for the MATS rule indicates that, along with issues like offshore drilling, clean air could become a bipartisan rallying point during the election.

For the faith groups that testified Monday, that line in the sand has already been cemented. Aguto pointed to MATS as a “shining example” of the wider federal assault on environmental regulations.

“When we talk about mercury, it’s been recognized for decades as being damaging to human health,” he said. “So to see a reversal of those protections, given decades of medical understanding ... [it] is beyond troubling.”

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Associated Press

Fish in river that famously caught fire now OK'd for dinner

<https://apnews.com/b393042b02914506a8b8170ed4b21704>

Julie Carr Smyth

Tuesday, March 19, 2019

COLUMBUS, Ohio (AP) — Fish in an Ohio river that became synonymous with pollution when it caught fire in 1969 are now safe to eat, federal environmental regulators say.

The easing of fish consumption restrictions on the Cuyahoga River in northeast Ohio was lauded Monday by Republican Gov. Mike DeWine as an important step toward ultimately delisting the river altogether as an area of concern. Seven impairments remain to be addressed before that can happen.

“This is an example of the progress that can be achieved when you collaborate and dedicate resources to improving the quality of water in our state,” DeWine said in a statement. “We need to continue to invest in our water resources so that we can see additional improvements.”

The announcement came as DeWine is pushing a state budget that includes nearly \$1 billion for water quality projects aimed at cleaning up toxic algae in Lake Erie and protecting other lakes and rivers throughout the state.

The Cuyahoga River was already one of the most polluted rivers in the country at the time of the fire on June 22, 1969, according to the Ohio History Connection. The fire was neither the first nor the worst the river had experienced.

But the 1969 fire on the river, where industrial waste and sewage were regularly dumped, drew national media attention that made it an instant poster child for water pollution at a time when the country was becoming more environmentally aware.

“As we approach the 50th anniversary of the most infamous Cuyahoga River fire, we reflect on the progress that has been made,” said Kyle Dreyfuss-Wells, CEO of the Northeast Ohio Regional Sewer District.

The U.S. Environmental Protection Agency, whose creation was inspired by the Cuyahoga River fire, gave the thumbs-up to easing the fish consumption restrictions.

Regional administrator Cathy Stepp called it “a huge step” in the agency’s work to improve water quality.

The U.S. EPA agreed with Ohio EPA’s recommendation that restrictions on fish consumption be eased from Gorge Dam near Akron to Lake Erie in Cleveland. State regulators proposed the change last year judging by improvements observed through fish tissue sampling.

Ohio EPA Director Laurie Stevenson said in a statement, “If you safely can eat the fish, we know that’s a great indication that water quality is improving.

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6 ways the Trump administration has tried to roll back environmental protections that keep US drinking water safe

<https://www.businessinsider.com/trump-administration-water-regulations-roll-back-2019-3>

John Haltiwanger

Posted: 4:00pm, March 19, 2019

- President Donald Trump has slashed a number of regulations aimed at protecting America's waterways, including many that affect the country's drinking water.
- Trump has contended the regulations he's rolled back — or sought to rescind — put unnecessary burdens on US industries.
- Research shows millions of Americans are exposed to unsafe drinking water every year, and environmental groups warn Trump's decisions could compound this issue.

Since entering the White House, President Donald Trump has rolled back a number of environmental regulations put in place by his predecessors that could make drinking water less safe for people across the US.

Trump has faced some legal hurdles in attempting to repeal such regulations, but he's been fairly successful in this effort as he's argued that such rules are burdensome to farmers and businesses.

The rules Trump has slashed have made it easier for corporations to dump pollutants into water systems, which in turn has the potential to seep into drinking water.

According to the US Geological Survey, [in 2005 roughly 43 million Americans](#)— approximately 15 percent of the population — supplied their own drinking water and 99 percent of that came from groundwater.

In short, when ponds, streams, rivers, and lakes are polluted, it can seep into groundwater and has the potential to negatively affect a significant number of Americans who get their water from wells.

Studies have shown that millions of Americans are [exposed to unsafe drinking water every year](#). This issue goes well beyond the highly publicized stories like the water crisis in Flint, Michigan.

Here are the environmental rules Trump has repealed — or is fighting to repeal — that could affect drinking water in the US:

Ended regulation to protect streams and waterways from coal mining waste.

In February 2017, Trump repealed an Obama-era environmental regulation aimed at protecting streams and waterways from coal mining waste — [the Stream Protection Rule](#).

The rule required surface mining activities to be kept [at least 100 feet away from streams](#), which including the dumping of mining waste. By repealing the rule, Trump made it easier for coal mining companies to dump mining debris in streams.

Trump contended the rule [placed unnecessary burdens](#) on the coal mining industry, but environmental groups said its repeal increased health risks for rural communities by disregarding ["basic clean water safeguards."](#)

Democratic Rep. John Yarmuth of Kentucky, a state with a long history of coal mining, was staunchly opposed to the rule's repeal.

He brought polluted well water from his district and challenged his GOP colleagues to try it, stating he'd vote in favor of rolling the regulation back if one of them did. Ultimately, no Republican lawmakers accepted Yarmuth's offer, [USA Today reported](#).

At the time, Yarmuth said, "This came from the drinking well of the Urias family's home in Pike County, Kentucky."

Yarmuth contended the rule was "one of the only safety measures that would protect these families from poisoned drinking water, higher rates of cancer, lung disease, respiratory illness, cardiovascular disease, birth defects and the countless negative health effects that plague this region."

Delayed a regulation on the level of toxic pollutants released by steam electric power plants

The Trump administration has delayed the Power Plant Water Pollution Rule, which was finalized in 2015 under the Obama administration and regulated the level of toxic pollutants released by steam electric power

plants.

"Among all industries regulated under the Clean Water Act, steam electric power plants contribute the greatest amount of toxic pollutants discharged to surface waters," [according to the Brookings Institution](#).

While Scott Pruitt was still administrator of the Environmental Protection Agency (EPA), he moved to postpone compliance dates for aspects of the rule.

The rule is partially in effect, but the EPA under Trump has [been sued by environmental groups](#) over its efforts to delay portions of the regulation.

Ended a rule that required companies to disclose the chemicals used in fracking

The Oil and Gas Fracking Rule, finalized under the Obama administration in March 2015, was rescinded by the Department of the Interior under Trump in late 2017.

The Obama-era rule required companies to disclose the chemicals used in fracking, the practice of pumping fluids into the ground at high pressure to free up oil or natural gas for extraction.

Fracking is a controversial practice that environmental groups and researchers have warned can [contaminate groundwater, drinking water, and adversely impact people's health](#).

Rolled back rules on the disposal of toxic coal ash

In July 2018, the Trump administration rolled back [Obama-era regulations on the disposal of coal ash](#).

Coal ash is a toxic substance leftover from burning coal, containing [contaminants such as mercury, cadmium, and arsenic](#). Arsenic is [known to cause cancer](#).

The Trump administration did not completely scrap the Coal Ash Rule, but added an amendment giving power plants an extension of 18 months to use unlined coal ash ponds and sites near groundwater for dumping. Environmental groups said the rollback could negatively affect drinking water near the sites and [threaten the safety of US families](#).

"The Trump administration is turning a blind eye to damage done to our drinking water," Lisa Evans, senior counsel for the environmental law organization Earthjustice, [told NBC News in July 2018](#). "This is aimed at saving industry money instead of protecting the public."

Trump's EPA justified the move by contending it would save utility companies up to [\\$31.4 million per year](#) in regulatory costs.

A [joint study](#) from the Environmental Integrity Project and Earthjustice, released in March 2019, found 91 percent of US coal-fired power plants are contaminating groundwater with ["unsafe levels of one or more of the pollutants in coal ash."](#)

"This is a wake-up call for the nation. Using industry's own data, our report proves that coal plants are poisoning groundwater nearly everywhere they operate," Evans said in a statement in early March. "The Trump Administration insists on hurting communities across the US by gutting federal protections. They are making a dire situation much worse."

Scrapped a proposal to protect groundwater near uranium mines

The Trump administration in October 2018 scrapped [a regulation](#) proposed by the Obama administration in its final days to strengthen protections for groundwater near uranium mines.

The primary method for uranium extraction, known as [in-situ recovery](#), "can contaminate groundwater if water containing uranium extraction byproducts flows into nearby aquifers," [according to Harvard Law School's Environmental & Energy Law Program](#).

A [2012 study](#) from Thomas Borch, an environmental chemistry professor at Colorado State University, found that uranium levels in a well in Wyoming were over 70 times higher after mining.

Borch found the uranium concentration in the well was 3.53 milligrams per liter. The EPA says [0.03 milligrams per liter](#) is the acceptable maximum contaminant level of uranium in drinking water.

Research shows elevated levels of uranium in drinking water can increase risk of kidney damage, according to the Centers for Disease Control and Prevention. Ongoing exposure to uranium in drinking water can also increase a person's estimated lifetime risk of cancer.

Pushing for a plan that would end a rule that protects roughly 60% of America's bodies of water, including much of its drinking water

In December 2018, the EPA [announced a proposal](#) that would gut Obama-era clean water regulation from

2015 known as the Clean Water Rule.

The regulation, also known as Waters of the US (WOTUS), defined which streams and wetlands are protected under the Clean Water Act.

The Obama administration established a broader definition of which waterways are protected to make streams and wetlands less vulnerable to pollution from an array of sources, including industrial facilities.

The Trump administration is seeking to narrow that definition, opening the door for ephemeral/intermittent or seasonal waterways to be contaminated with pollutants. "Ephemeral and intermittent streams make up approximately 59% of all streams in the United States," according to a [November 2008 study](#) from the EPA.

Environmental groups have warned that Trump's plan [could affect the drinking water of over 115 million people](#).

David M. Uhlmann, chief of the environmental crimes section at the Justice Department from 2000 to 2007, said the Trump administration's move disregards "basic science" and threatens "drinking-water supplies across the country."

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Business Insider

6 ways the Trump administration has tried to roll back environmental protections that keep US drinking water safe

<https://www.businessinsider.com/trump-administration-water-regulations-roll-back-2019-3>

John Haltiwanger

Posted: 4:00pm, March 19, 2019

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Since entering the White House, President Donald Trump has rolled back a number of environmental regulations put in place by his predecessors that could make drinking water less safe for people across the US.

Trump has faced some legal hurdles in attempting to repeal such regulations, but he's been fairly successful in this effort as he's argued that such rules are burdensome to farmers and businesses.

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E&E News

EPA won't extend WOTUS comment period

<https://www.eenews.net/greenwire/2019/03/19/stories/1060127629>

Ariel Wittenberg

Tuesday, March 19, 2019

The Trump administration won't give the public more time to weigh in on its proposed rule restricting the reach of the Clean Water Act.

The Waters of the United States, or WOTUS, rule to limit which wetlands and waterways are protected by the Clean Water Act was published in the Federal Register last month, giving the public until April 15 to weigh in on the proposal.

Multiple stakeholder groups and members of Congress have said the 60-day comment period isn't long enough to review the proposal, which would erase protections for at least 51 percent of wetlands and 18 percent of streams nationwide, according to data from the U.S. Geological Survey.

Some of the protections that would be eliminated by the rule have been in place since the 1980s.

But in an email to those requesting a longer comment period, EPA and the Army Corps of Engineers wrote, "After careful consideration, the agencies will maintain the current April 15, 2019, deadline for submitting comments."

"The agencies will consider all comments submitted by the close of the public comment period before finalizing the rulemaking," it says.

The email does not provide a reason for the decision.

EPA spokesman Michael Abboud said in an email to E&E News that maintaining the 60-day comment period was necessary because of court decisions relating to previous definitions of Waters of the U.S.

Currently, 22 states are governed by the Obama administration's 2015 Clean Water Rule, while the other 28 are governed by regulations dating back to the 1980s.

That "patchwork" means "the agencies are committed to moving as quickly as possible to restore regulatory certainty and to craft a rule that is clearer and easier to understand and respects the authority that the executive branch has been given under the Constitution and the Clean Water Act to regulate navigable waters," Abboud wrote.

Groups representing state or local officials, including the National League of Cities, Association of State Floodplain Managers and National Association of Clean Water Agencies, all wrote in asking the agencies for at least another 60 days to comment, noting the federal government shutdown earlier this year had delayed public hearings on the new proposal.

One request said states and local governments "require adequate time to thoughtfully evaluate the likely effect of the proposed rule, to assess potential intended and unintended consequences of the rule, how it may alter state program structures and responsibilities, and other implementation concerns."

"Thorough deliberation is necessary so that state programs can provide the agencies with helpful comments

regarding this complicated issue, which will in turn contribute to an improved final rule," said the request from the Association of Clean Water Administrators, Association of State Wetland Managers, Environmental Council of the States, and Association of Fish and Wildlife Agencies.

Abboud wrote in his email that the government shutdown actually gave the public 125 days to review the proposal, as it was made available on EPA's website on Dec. 10, roughly two months before it was formally published in the Federal Register, which started the 60-day clock.

Members of Congress and environmental groups have asked for even more time — up to 207 days — to comment on the proposal. They say the Trump administration should give the public as much time to weigh in on its proposal as the Obama administration allowed for its Clean Water Rule, which was finalized in 2015.

"It makes no sense to deny affected Americans the same opportunity to comment on this replacement proposal," House Democrats wrote in their letter last month (Greenwire, Feb. 12).

Natural Resources Defense Council senior attorney Jon Devine decried the decision against extending the comment period, accusing the Trump administration of "rushing ahead so those affected by this underhanded proposal cannot have the time they need to weigh in."

"It's clear their mind is already made up," he said.

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Newsday

Opinion: Is it safe to drink American water?

<https://www.newsday.com/opinion/commentary/american-drinking-water-safe-epa-1.28690930>

Aubrey Menarndt

Posted: 11:59pm, March 19, 2019

As Americans, we take our access to clean, potable drinking water for granted. However, disturbing new findings by the Environmental Protection Agency should make us leery when drinking what comes out of our taps.

In early February, the EPA released [a study](#) showing that the levels of per- and polyfluoroalkyl substances, more commonly known as PFAS, are prevalent in the U.S. water supply. PFAS compounds were used for decades to manufacture common items such as cleaning products, carpeting, Teflon cookware, microwave popcorn bags and waterproof attire. Scientists have [found](#) probable links between exposure to PFAS and heart disease, thyroid disease, hypertension and preeclampsia, ulcerative colitis, and kidney and testicular cancer.

The recent EPA report shows that PFAS were found in all 50 drinking water supplies that it tested — an alarming increase from a similar 2016 study that found PFAS in fewer than 3 percent of samples. Meanwhile, the Environmental Working Group issued a [report](#) stating that up to 110 million Americans could be drinking contaminated water.

In addition to their prevalence, there is disagreement over what constitutes a safe level of PFAS in the drinking water supply. Congressional Democrats are currently [investigating](#) the Trump administration's possible suppression of a report by the Centers for Disease Control and Prevention, which revealed that PFAS are dangerous at a level significantly below the EPA's current health advisory level. That the U.S. levels are too high should not come as a surprise — United States health advisory levels are nearly twice the amount that is acceptable in [Europe](#).

Affected citizens have had some luck in suing companies for contamination and its resultant health effects —

DuPont was forced [to pay](#) \$671 million to people in West Virginia and Ohio, and 3M recently committed to an \$850 million [settlement](#) for filtration and cleanup in Minnesota. Unfortunately, financial remuneration is little recompense for loss of health or life.

The EPA recently released its long-awaited management plan for addressing PFAS. Stakeholders have decried it as woefully inadequate — the Union of Concerned Scientists [says](#) that it doesn't set a strong safety standard or make clear how the EPA will protect against future contamination" and both Democratic and Republican Congress members are [pressing](#) the EPA to provide more clarity on their plans.

Several states have taken matters into their own hands. California, Connecticut, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey and Vermont [have set](#) more rigorous standards than those of the federal government.

The Trump administration's inaction on this dire public health issue evidences its continued [prioritization](#) of corporate profits over American citizens' health and safety. Earlier this year, the administration [limited](#) the EPA's regulation of potentially toxic chemicals. Rather than evaluating how these chemicals impact the air, ground or water, the Trump administration has mandated that the EPA only evaluate chemicals for harm through direct contact. As the New York Times [explains](#), "The approach means that the improper disposal of chemicals — leading to the contamination of drinking water, for instance — will often not be a factor in deciding whether to restrict or ban them."

Complying with strong PFAS restrictions and disposal requirements will undoubtedly be costly to corporations. However, the government's primary responsibility is to protect its citizens' lives. We cannot allow unchecked corporate greed at this profound human cost. When we turn on our taps, we should trust that the water that flows from them is safe to drink.

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